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By EDMUND J. O'REILLY, S.J.

(Sometime Professor of Theology in Maynooth College, at St. Beuno's in North Wales, and in the Catholic University of Ireland.)

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A SKETCH OF THE AUTHOR.

THE most useful introduction to this volume will, we think, be found in a brief account of the writer's life and character, with some indications of the very high esteem in which, as a man and as a theologian, he was held by Cardinal Newman and other distinguished men.

Edmund Joseph O'Reilly was born in London, on the April 30th, 1811, and he was six years old before his parents returned to Ireland. His father died while he was young, leaving him to the care of his pious mother. This lady was one of five sisters, one of whom married the third Lord Kenmare (grandfather to the present earl); another entered the Visitation Convent at Westbury, in England; another married Mr. Bagot, of Castle Bagot, in County Dublin; and the last married Mr. Dease, of Turbotstown, in Queen's County. The father of these ladies and of Mrs. O'Reilly, Mr. Edmund O'Callaghan, of Killegorey, in the County Clare, was mortally wounded in a duel, but survived five days to repent and prepare for his judgment. It is curious to find such a man as Father O'Reilly linked so closely with the bygone age of duelling.

Edmund O'Reilly spent several years of his boyhood at Mount Catherine, a few miles from Limerick. His first education he received from a private tutor. After some years at Clongowes and Maynooth, he went to Rome, about 1830, for his ecclesiastical studies, and spent seven years attending the classes of the Roman College, but residing in the Irish College, of which the late Cardinal Cullen was then president. At the end of a long and distinguished course he gained the degree of Doctor of Divinity, after what is termed a "public act" *de universa theologia*. On

his return to Ireland, after his ordination in 1838, he obtained, by "concursus," the chair of professor of theology in Maynooth College, the duties of which he discharged with great zeal and success for thirteen years, his reputation for holiness and piety being as great as his reputation for learning.

In the summer of 1851 Dr. O'Reilly asked to be admitted into the Society of Jesus, and was sent to make his noviceship at Naples. After his novitiate he was appointed to teach theology at the Jesuit College of St. Beuno's, near St. Asaph's, in North Wales. Returning to Ireland, he was, after other employments, made the first Rector of the House of Spiritual Exercises at Milltown Park, near Dublin, in which house and which office he died, having meanwhile been the Irish Provincial of the Order from 1863 to 1870.

Father O'Reilly was chosen as his theologian by Cardinal Cullen (then Archbishop of Armagh) at the Synod of Thurles), in 1850; by Dr. Brown, Bishop of Shrewsbury, at the Synod of Oscott; and at the Synod of Maynooth by Dr. Furlong, Bishop of Ferns, his former colleague as professor of theology at Maynooth. When the Catholic University was established in Dublin, Father O'Reilly was named to the chair of theology; and the affection and esteem which he could not but feel then for the first Rector of the University, Dr. Newman, remained undiminished till his death. When Passaglia fell in the middle of a brilliant career, the General of the Society of Jesus, Father Beckx, proposed to summon Father O'Reilly to Rome, to place him in the Chair of Theology at the Roman College; but circumstances made another arrangement expedient. At a conference held regarding the philosophical and theological studies in the Society, Father O'Reilly was chosen to represent all the English-speaking "Provinces"—Ireland, England, Maryland, and the other divisions of the United States.

To the foregoing practical tributes to Father O'Reilly's high standing as a theologian, we may join the written testimony of Cardinal Newman, who, in his famous "Letter to the Duke of Norfolk," quoting one of the essays in the present volume, calls him expressly "a great authority" and "one of the first theologians of the day"; and of Dr. W. G. Ward, so long the learned editor of the *Dublin Review*, who, in reviewing that "Letter," remarked that "it is a great loss to the Church that so distinguished a theologian as Father O'Reilly has published so little." In January, 1876, Dr. Ward devoted a long article to a few of the papers now at last reprinted, ending with the hope that the writer might "continue his papers through many successive numbers of the *Irish Monthly*, so that, when put together, they might form more than one good-sized volume." "Whatever," he adds, "is written by so able and so solidly learned a theologian—one so docile to the Church and so fixed in the ancient theological paths—cannot but be of signal benefit to the Catholic reader in these anxious and perilous times."

It is a pity when real learning is spoiled, as it sometimes is, by the petty weaknesses of pedantry and vanity. Father O'Reilly was far above such pettiness. Whilst he was, as a competent writer stated in the *Freeman's Journal*, on the occasion of his death, "confessed on all hands to be one of the foremost theologians and canonists of his time:" whilst (to use again the words of the same writer) "his authority was looked up to throughout all Ireland, and the most illustrious personages did not hesitate to seek his opinion on points of theology and sacred learning:" he was personally humble, simple, and unaffected. He was as ready to put forth his whole mind and energy in answering a difficulty proposed, or in furnishing information sought, by a novice or lay brother, as if he were lecturing

from the chair of a uuiversity. This was part of the thoroughness and truthfulness of his character which impressed every one who came in contact with him. One who knew him well has claimed for him a mind which never gave to an argument more weight than it had in itself—a mind which guarded itself with the most rigid care against being warped by any passion or prejudice. These qualities, added to his large stores of consummately accurate knowledge, lent a sort of judicial weight to his decisions. "Yes, he will be a great loss," observed a learned and upright judge from his own point of view—"he was a *good opinion*." And indeed, even in questions of civil law, he was no mean authority.

But in his own department of sacred science, Father O'Reilly was indeed a master in Israel. It would be hard to estimate the irksome and continual labour that he underwent, not only as a general referee on all difficult professional questions, but also as the official or unofficial censor of a great many books, large and small, published on theological or devotional subjects in England and Ireland during the last thirty years of his life. Dr. MacCarthy, Bishop of Kerry; the present Archbishop of Dublin when he was Vice-President of Maynooth; Dean O'Kane of the same college; the Rev. George Crolly—these learned men and others gratefully acknowledge their obligations to Father O'Reilly in the prefaces to various works. But many books less worthy of such care cost him much more trouble, which he always went through conscientiously and with great considerateness for the proverbially sensitive feelings of "the author."

His perfect evenness of temper and sweetness of disposition came not from nature alone but chiefly from grace. The seriousness, gravity, and solidity of his character lent a charm to that honest, hearty laugh, for which he was

famous. There is much truth in what Rochefoucauld says: "True gentleness can only be found in those who possess a certain firmness." This union of strength and sweetness we claim for Father Edmund O'Reilly; and we claim for him also the perfection which St. James almost defies a human being to acquire: "If any man offend not in word, the same is a perfect man." "His truthfulness," writes one who lived in close communication with him for years, "was such that I am sure he never spoke a word which was even slightly an exaggerated expression of his mind." We think that we are speaking with his own strictness and accuracy when we add that he was so charitable in conversation as never to hurt, even slightly, the feelings of others.

For charity of another kind he was a proverb. He could not refuse the poor. He would not allow considerate porters to screen him from unworthy applicants; the poor creatures should at least tell their story to himself, and they never told in vain. Not through weakness or foolishness, however amiable, but on principle, he was ingenious in framing excuses for petitioners whom some might be ready to denounce as impostors. It was characteristic that, the day before his death, he took the part of some poor applicant for assistance whom a reference to a Thom's Directory seemed to convict of a "wrong address." As a branch of this charity to the poor, he was generous in remunerating the hired services rendered to him. Kind and judicious outlay of this sort may be made to have some of the merit of alms-giving.

Nothing could exceed his devotedness to the Church, the serenity of his faith, his deep and solid piety, his exactness and fidelity in everything pertaining to the duties of the priesthood. He it was with whom the saintly Primate, Dr. Dixon, while a Maynooth professor, recited

the Divine Office every day for years; and with equal care and perfection he discharged this blessed daily burden of prayer till within a day or two of his death. The same faithfulness, serious but never scrupulous, this wise and holy man brought to bear upon every tittle of his obligations, and more than his obligations, as a Jesuit, a priest, and a Christian. *Iste homo perfecit omnia quæ locutus est ei Deus.* Whatever came to him in any form as God's good pleasure, that he did at once, and did it thoroughly and perfectly. *Perfecit omnia.*

Before concluding this slight sketch, it may be well to mention that the publication of this volume has been earnestly requested by many bishops and priests at home and in the United States. The separate essays were originally printed in *The Irish Monthly*, beginning in its first year, 1873, with a scrupulously careful revision of the proof sheets, as the editor of that magazine vividly remembers. Not long before Father O'Reilly's death, the series was collected and placed in his hands, with a view to republication in book-form; but he made no alteration whatsoever, and none has been made by any other hand.

As Father O'Reilly combats various arguments and statements in Mr. Gladstone's Vatican pamphlets (as at pages 303, 340, and several other places), it is right to record this great statesman's latest reference to the subject. It occurs in the speech in which, on February 4, 1891, he introduced the Bill for the Removal of Religious Disabilities—those, namely, which disqualify Roman Catholics from filling the office of Lord Lieutenant in Ireland and Lord Chancellor in England.

"What was the conclusion at which I then arrived with regard to the allegiance of my Roman Catholic fellow subjects? In page 14 of the pamphlet termed 'Vaticanism' will be found these words: 'I cannot but say that the immediate purpose of my appeal has been attained, in so far that the loyalty of our Roman Catholic

fellow subjects in the mass remains evidently untainted and secure. And, Sir, because I am the man who, upon examination and challenge, has deliberately, sixteen years ago, announced that in my opinion, whatever might be the claims of the Roman See, the loyalty of my Roman Catholic fellow subjects was untainted and secure, I am the man who, if I have no other qualification, am, so far at least, qualified to propose the Bill before the House."

Father O'Reilly died on the 10th November, 1878. To the writer of this introduction, Dr. Newman, with his characteristic kindness, wrote thus from Edgebaston, a few days later :—

THE ORATORY,
Nov. 16, 1878.

DEAR FATHER RUSSELL,

Of course I expected Father O'Reilly's death, from the reports which were made about him. I said Mass for him this morning, though his own merits, and those of the Saints and others of the Society, and the many Masses which doubtless will be said for him, made me feel that it was scarcely called for. But I could not but say Mass for one whom I so sincerely revered and loved. He has gone to his reward, and all who knew him must have followed him on his journey with thoughts full of thanksgiving and gladness for what God made him.

It is singular he should have died so soon after the Cardinal.

Thank you for writing to me, and your kind Fathers for thinking of me.

Very truly yours,
JOHN H. NEWMAN.

And to the "dear friend" who (as he says in the *Apologia*) had more to do with his conversion than any one else, who "was always gentle, mild, unobtrusive, uncontroversial," who "let him alone"—to Dr. Russell, then President of Maynooth College, the illustrious Oratorian (who did not become Cardinal Newman till the following year) addressed these words of consolation upon hearing of Father O'Reilly's death :—

"I can't help writing a line to you, to condole with you on the death of dear Father O'Reilly, who, I know, was a great friend of yours. He was a man who impressed all who came near him with his great and high excellence—his simple detachment from all things here; his habit of doing his duties, whatever they were, with all his might; his largeness of soul, and his sweetness and

gentleness in his intercourse with others. I have not seen him for twenty years, but his image has been fixed in my memory. To you who knew him well, this is a poor portion of what could be said in his praise; but you won't be unwilling to take what I have to give, such as it is."

Dr. Russell—who wrote to me on the same occasion, "I have never known a more perfect character or a more blameless life"—was himself dying at the time. After his death Cardinal Newman sent to me, with many other letters, the following which was evidently an answer to the one just quoted. It is written from the house of the late Mr. Justice O'Hagan, who was the valued and devoted friend of whom we have here named together.

22, Upper Fitzwilliam St., Dublin,
Nov. 19, 1878.

My Dear Dr. Newman,

Your letter is a great comfort to me, and helps me to think cheerfully of the parting with so dear and so old a friend by the hope which it inspires, and the consoling recollections which it recalls. Father O'Reilly was my trusted and dearly loved friend since we were boys together. He had a very sincere affection and admiration for you.

It was a great delight to hear so good an account of you as Lord Emly was able to give us. I will not attempt to tell you how much I feel your most kind and constant enquiries. I will ask you to continue your prayers for your ever grateful and affectionate friend,

C. W. Russell.

These few personal details, and these very informal testimonies will, we trust, dispose the reader favourably for the perusal of the following pages, and give him a high opinion of the sincerity and good faith, as well as of the learning and ability, of the Author of these Essays on the Relations of the Church to Society.

Matthew Russell, S.J.

St. Francis Xavier's, Dublin,
Feast of the Epiphany, 1892.

THE RELATIONS OF THE CHURCH TO SOCIETY.

CHAPTER I.

REVELATION AND THE NATURAL LAW.

THE title I have prefixed to these pages is rather formidable, and may suggest the idea of a ponderous volume, or at least of considerable prolixity. But, though the subject is vast, I am not about to treat it on a large scale. I will content myself with briefly stating, and very moderately developing, a few principles, necessary at all times to be well understood, and never more so than at present. I will speak throughout as a Catholic addressing Catholics. I should not be afraid or ashamed to say the same things to non-Catholics, and I shall not be sorry to have some of them among my readers; for it is well that they should know what we really hold, and many of their number would think it not so unreasonable after all. But they cannot be expected to accept without a good deal of argument all that I may assume in dealing with Catholics.

It may be asked why I should tell Catholics what they already admit. I reply that many Catholics—otherwise well-educated men—form confused notions, and even fall into serious mistakes, regarding various points of Catholic

doctrine. They fail to realise all that is contained in the truths which they hold, and often unwittingly entertain opinions which are far from being sound. They, at times, culpably or inculpably, shut their eyes to truths that either form part of the Catholic faith, or are closely bound up with it. They occasionally need to be put in mind that if our holy religion is to be received as Divine, it is to be received in its integrity, and with all those conclusions which cannot be consistently denied to flow from its dogmas. Once revelation—Christian, Catholic revelation—is admitted, we must treat it in the same way as we treat natural knowledge, not evading obvious consequences which cannot be questioned without virtually questioning premisses that we profess to receive as altogether certain. Revealed truths are truths in the same sense as other truths, and demand, like other truths, that in embracing them we should embrace whatever is essentially connected with them.

Formularies are necessary, that the chief doctrines may be clearly set forth. But formularies, especially those which are incomplete, and even those which are complete for their purpose, do not fix boundaries within which we can intrench ourselves and say: I admit all that is stated here in so many words; but outside of these terms I will reject what I please. Much less can we frame a formulary for ourselves, and select the dogmas it is to comprise, while we set aside others equally entitled to a place. As I have used the word *dogma*, I may take occasion to observe that the tenets of a Catholic—the obligatory tenets of a Catholic—are not confined, nor does any Catholic who is sound and well instructed conceive them to be confined, to what are strictly called dogmas of faith. This will be brought out more clearly as we proceed, but it is no harm to make the observation here in passing.

I will not expend any more of my limited space on prefatory remarks; but will proceed at once to ask and answer a fundamental, though apparently simple and elementary, question. What is a Religion? more definitely still, what is the Catholic Religion? It is, I reply, the sum of all the truths which God has proposed for our belief, of all the laws He has enacted for our observance, and of all the external means of obtaining grace He has provided for us on earth. The Catholic Religion is nothing less than all this, otherwise it would not be, as it assuredly is, an adequate way of salvation. Were it not so, a Catholic might live perfectly up to his Religion and lose his soul.

In the Catholic Religion there are three great elements, the dogmatic, the moral, and the sacramental; to say nothing at this stage concerning a fourth, namely, the administrative or governmental, which may be referred in some sort to the sacramental, but may also be distinguished from it, as I prefer doing. These three elements are interwoven with each other. For there are dogmas which regard morals as their object, and there are dogmas which regard sacraments and other helps to sanctification as their object; and, on the other hand, the belief of dogmas and the use of sacraments are matter of moral obligation.

My present concern is more particularly with morals, as such—the moral element, as such—and with the Divine Laws which command or forbid a variety of actions. Under the name of actions I include words and thoughts, which are in reality so many actions.

There are two great kinds or classes of Divine Laws, namely, the Natural and the Positive. Natural Law is that which is demanded by the nature of things, and has been accordingly enacted by the Author of Nature. Posi-

tive Law is that which He has freely superadded for wise purposes. Either class may be spoken of in the singular or in the plural number, may be called *Law* or *Laws*. The first class is more generally spoken of in the singular than it is in the plural number, and certainly oftener spoken of in the singular number than the second.

The end I have proposed to myself requires that I should dwell especially on Natural Law, and develop the notion of it I have already given in a single short sentence. I take for granted, in addressing Catholics, that there is such a thing as *morality* of human actions, distinct from their mere utility, and not universally or exclusively depending on it. Among the pestilential and degrading doctrines disseminated by many modern infidels is the denial of this truth. It would be going out of my way to refute them here. There are various degrees in the doctrine I have alluded to, some worse than others: but the whole principle of such systems is false. I do not mean, of course, to deny that morality often coincides with utility, and that morality is closely connected with the interests of men, their temporal as well as their eternal interests. But that utility is the whole origin and basis of what is called moral goodness, and of its distinction from what is called moral evil, is a thoroughly unchristian theory.

Natural Law is based on the nature and relations of things, principally on the nature of God and His relation to man, on the nature of man and his relation to God and to his fellow-men, and to himself, so far as any being can be said to bear relation to itself. This Law is a real Law, as truly a Law as any other; a Law indeed called for by the nature of things, and which the Divine attributes require should be made in the supposition of man's existence. It is not made by nature, for a law must come

from a superior, and nature is not superior to itself; but it is made to satisfy a requirement of nature. The Legislator is God; the primary medium by which He promulgates this Law, the herald that proclaims it, is man's reason, whose dictates declare its existence and enactments. For reason, properly applied, recognises the requirement I have mentioned; knowledge of the requirement brings along with it knowledge of the existence of the Law, since even reason teaches that God cannot neglect such a demand. Further, knowledge of the details of the requirement includes knowledge of the details of the Law. The more prominent of these details constitute the principles of the Natural Law, whence the rest are deduced. The most remote conclusions, however, when reached are as binding as the principles. But the limited character of our reason, and a variety of unfavourable circumstances stand in the way of our arriving at all these conclusions. We are liable to ignorance and error regarding them. This ignorance and this error, when invincible, that is to say, unavoidable, and consequently inculpable, excuse us from the practical obligation of those parts of the Natural Law that are not sufficiently presented to us, though they still continue truly parts of the Law. Some of the wisest men, and those best versed in these matters, have differed and do differ on remote conclusions or precepts of the Natural Law, and indeed occasionally on some that are not so very remote.

The Natural Law is the most comprehensive of all laws. Every conceivable free action, with every conceivable variety of circumstances, is definitely provided for by the Natural Law. It is either commanded, or forbidden, or approved, or allowed. It may be said, indeed, that the mere allowance or permission of an act is not an affirmative function of the Natural Law, and about this I will not

dispute. What I mean to convey is, that no act escapes the operation of this Law on account of its complexity, that every variety of circumstances that has any moral aspect is dealt with by it. Every possible free action is either morally good, or morally bad, or morally indifferent. Whether a perfectly deliberate action actually done by this or that man, taken in its integrity with its end and circumstances, can be indifferent, that is to say, neither good nor bad morally, is a question controverted in philosophy and theology, and which I shall not discuss. It is quite certain that there are innumerable possible actions, which considered abstractedly and without reference to the intention of the agent, are indifferent. If I am asked, for instance, whether walking, or riding, or hunting, or a thousand other things, are good or bad, I cannot say that they are either. Although in strictness indifference is not a species or kind of morality, like goodness or badness, we may for convenience take it as such, in order to classify *all* free actions under the respect of morality; and there is some foundation for so taking it, since an action by being indifferent is morally allowable.

No action is beyond the reach of the Natural Law, even though that action belong to the supernatural order. For example, if the reception of a Christian Sacrament, in circumstances in which this reception is not commanded by any positive law of God or the Church, be a necessary means to guard against sin, the Natural Law steps in and commands it. That Law has nothing to do with the institution of Sacraments; but finding them instituted, it will take them in and impose obligations regarding them. Such intervention is qualified as *hypothetical* Natural Law; but it is not less truly a part of the Natural Law. If Natural Law could be written out, the code would specify the moral character of every possible human action.

There is in it no such thing as a *casus omissus*. There is no such thing as an exception to any part of it, though we are compelled to talk of exceptions, because for convenience we express some portions of this Law in certain brief forms. We say, for example, that men are forbidden to kill one another. Yet, from this prohibition we have to except the cases of just war, of the capital punishment of malefactors by public authority, of self-defence against an unjust aggressor. But the Law, considered in itself, as it is, pronounces on each action as affected by the circumstances in which it could be performed.

This comprehensiveness of Natural Law leaves still abundant room for other Laws, Divine and human. Many acts which the Natural Law approves or allows, it does not command. Now a competent authority may prescribe or forbid an act which is neither prescribed nor forbidden by Natural Law left to itself. God himself may prescribe or forbid such an act by a positive law; so may the Church or the State. And the act thus prescribed or forbidden will become obligatory on the one hand or wrong on the other, in place of being merely good or indifferent. Further, once such additional law is made, the Natural Law will take it into account, and insist on its observance. We may say with perfect truth that whatever is commanded or prohibited by any positive Law, Divine or human, is consequently commanded or forbidden by the Natural Law, imposing as it does the obligation of obeying legitimate authority—legitimate as to its existence and as to its exercise.

I have said that no action is beyond the reach of the Natural Law. This obviously holds good with regard to all classes of persons, whatever be their position, whatever be their dignity, whatever be their authority. This holds good for sovereigns and subjects. This holds good,

too, with regard to all classes of actions, whether they be of a private or of an official character. This holds good for the combined actions of many persons. Every individual is amenable to Natural Law in all that he does, either separately or in conjunction with others. This statement may seem superfluous, since no Christian can be ignorant or doubtful of its truth. But it is not superfluous; for even though not controverted, there is need of bearing it in mind, and not neglecting to apply it when occasion requires. Besides, there is often a latent tendency in our minds to distinguish unduly public from private actions, as if the magnitude of a proceeding withdrew it from the operation of the rules of morality. Those who would shudder at the thought of an isolated murder are but little startled by the wholesale murder involved in unjust warfare.

As I have been speaking of combined action, I may observe that not only are certain courses of public conduct morally bad, and imputable as sins to those who participate in them; but other courses of public conduct are commanded and obligatory on communities and nations—with this difference, that every one can avoid co-operating in what is evil, but every one cannot insure the performance of what is due on the part of a large body of which he is a member; and there are many who individually can contribute little or nothing towards the discharge of such public duties. But those who are invested with the requisite power are bound to use it for the purpose.

It is now time to consider the relations which subsist between Natural Law and Revelation. If there never had been any supernatural revelation, the Natural Law would have existed, and the fact of supernatural revelation does not put an end to Natural Law, nor diminish its binding force. If we imagine a revelation that would take

no notice of Natural Law, the latter would still hold its ground. But the revelation we have had is very far from not noticing Natural Law. The Old and New Testaments reproduce and additionally promulgate many of its precepts, and in a compendious way the whole of them. The ten commandments are a summary of them all, with but very little addition of positive Law, namely, in the third the setting aside of one particular day of each week for a special worship of God. The main substance of the third commandment, namely, that God is to be worshipped, and reasonable times appointed for the fulfilment of this duty, is part of the Natural Law.* In the New Testament Our Lord and His Apostles inculcate sometimes general principles of the Natural Law, sometimes particular precepts belonging to it. It would be easy to give a long list of moral propositions recorded in the Gospels and Epistles, and which are so many statements of Natural Law. There is no precept of Natural Law that is not contained in and reducible to some of these propositions, and thus made part of the Evangelical Law—of the Christian Religion—of the Catholic Religion. So surely as any action is approved, commanded or forbidden by the Natural Law, it is approved, commanded or forbidden respectively by the Evangelical Law—by the Catholic Religion. A controversy may arise as to whether a particular action is thus approved, commanded or forbidden by Natural Law; and I have already said that such controversies are maintained by the wisest and best qualified men ranged on either side—innocently, inculpably, nay, laudably maintained. But both parties are quite ready to admit that whichever of the two opposite

* Some grave authors hold that the first commandment contained a prohibition to the Jews, regarding the use of images, more extensive than that which is involved in the natural precept forbidding idolatry.

propositions is true as to Natural Law, is equally true as to Gospel Law. Take, for example, the fifth commandment, "Thou shalt not kill." This is a precept of Natural Law, additionally promulgated in the Mosaic tables and in the Gospel. Catholic theologians, though pretty generally agreed as to the lawfulness of killing a private unjust aggressor in defence of life, are not equally agreed as to the lawfulness of killing a robber for the sake of preserving property ever so valuable. If those who deny the right are correct in their opinion, the homicide of which there is question falls within the fifth commandment, as Natural and Evangelical Law, and is at variance with the morality of the Catholic Religion, though persons acting in good faith on the opposite view may escape blame in the eyes of God. They are merely mistaken on an obscure point of morality. What I chiefly wish to insist on is, that all true developments of briefly expressed precepts, whether actually reached by us or not, are as really parts of the Natural and Evangelical Laws as the briefly expressed precepts themselves: that these briefly expressed precepts stand for, and represent, all that is contained under them. Thus, in the example, every case of man-killing which is really forbidden by Natural Law is as much included as any other under the form "Thou shalt not kill," taken as part of the Natural and, at the same time, of the Gospel Law.

This is true of the Gospel Law, even where Revelation affords no sufficient proof that a particular case is included; for the Gospel Law commands whatever is really comprehended in the Natural precept, which it records and confirms. Hence, if reason satisfactorily shows that the case is comprehended in a Natural precept, it thereby shows that the same case is comprehended in the Gospel Law. There is no question here of believing with Divine Faith

that this or that particular act is prescribed or prohibited, but merely of the fact of its being so prescribed or prohibited by Gospel Law.

It is the common doctrine of theologians that all the merely moral legislation of Christianity, as distinguished from what more immediately regards faith and the sacraments, is coincident with, and declaratory of, Natural Law: that no moral law has been added, new or more extended as to its matter, that no natural acts have been commanded or prohibited, which were not respectively commanded or prohibited before by Natural Law. It does not follow from this that there is not an additional obligation imposed by the Law of Christ, formally prescribing over again the same things which were prescribed before. It may be said reasonably enough that we are more bound by two Divine Laws than by one only; that the obligation is intensified, not, however, so as that any thing has become a mortal sin which was not already such. On the other hand, any similar obligation which the Law of Moses may have added to that of the Natural Law, by the explicit repetition of its precepts, appears to have passed away with the Jewish dispensation. Hence the ten commandments, for instance, recorded in Exodus and Deuteronomy, bind us as Natural Law and as confirmed by Christ, not as imposed through Moses. On this point theologians are not agreed.

I began by asking and undertaking to answer this question: What is the Catholic Religion? My answer was, that the Catholic Religion is the sum of all the truths which God has proposed for our belief, of all the laws He has enacted for our observance, and of all the external means of obtaining grace He has provided for us on earth. I added that in the Catholic Religion there are three great elements, the dogmatic, the moral, the sacramental, passing by for the moment, and only the moment, another, namely

the administrative or governmental. I have dwelt at some little length on the moral element, and especially on the Natural Law considered in itself, and as re-published and re-imposed by Christ our Lord and His Apostles. I have no occasion at present to develop the dogmatic and sacramental elements. I proceed now to another question to be asked and answered, namely: What is the Catholic Church?

CHAPTER II.

THE NATURE OF THE CATHOLIC CHURCH.

WHAT is the Catholic Church? The Catholic Church, in its fullest acceptation, is a visible, well-defined, and thoroughly organised moral body established by Christ, and whose members profess the Catholic religion which He instituted. This body comprises the simple faithful, and also pastors or superiors in different grades, the chief of whom was at the Church's foundation, St. Peter, and is at every other given period his successor for the time being, namely, the Bishop of Rome. The whole of the essential organization of the Church was the immediate work of Christ: as much His work as the institution of His religion.

That legislative authority which exists within the Church, and of which I shall have occasion to speak hereafter, includes the power of making regulations about the Church itself and the details of its government, more or less similar to the by-laws of a temporal corporation, and, like them, not touching the essential constitution of the body. The appointment of patriarchs and metropolitans, the various forms of juridical procedure, and innumerable other features observable in the Church may be traced to this source. None of them are of the essence of the Church.

The Church has not, so to speak, grown out of the Religion, but was established contemporaneously with it. This idea needs to be kept well before the mind. The Church is not a mere result of the Religion. It has not been got up by men for the sake of the Religion. Those

who constitute it have been placed in it by God, admitted into it by God, as into a society—a moral body—framed by Himself.

This Church is most absolutely *one* in a twofold sense. First, it is only one, and not many. It is not multiplied, nor capable of being multiplied, in any way or degree, according to the states or countries in which the Catholic religion is professed. It is not made up of national *Churches* if we take the word in the same meaning. There are, no doubt, national churches in another acceptation: that is to say, there are locally distinct portions of the same one Church, as there are distinct provinces and countries in one kingdom, and these portions are called Churches, because the term is a convenient one; but they have no amount of integrity or independence in relation with the one Church, nor are they, *as parts*, modified by their nationality. As parts, they are perfectly homogeneous.

Secondly, the Church is most absolutely one in its Faith, Communion, and Government. Unity of Faith does not exclude differences of opinion. On the contrary, there is a large and wholesome liberty in the Catholic Church, such as cannot be found in Protestant Churches, where so much responsibility is cast on individuals. A Protestant indulging in opinions runs the risk of contradicting dogmas, since these, too, must be settled for him by himself. Faith, and consequently oneness or Unity of Faith, strictly regard dogmas alone, namely, truths revealed by God and sufficiently proposed by a competent authority in the Church. Whoever believes and professes all these is, so far as Faith is concerned, a member of the Catholic Church, and this he may be without explicit knowledge of all such truths in detail, and no doubt there are innumerable good Catholics who could not state the whole of them,

but sincerely hold all that the Catholic Church believes and teaches. Faith, I have said, and Unity of Faith strictly regard dogmas. But, besides these, there are many doctrines so received and taught in the Church as not to be mere matters of opinion, nor to admit of being rejected consistently with doctrinal soundness. They may be impugned without heresy, though often the impugning of them raises a legitimate suspicion concerning the Faith of the parties who undertake it

Unity of Communion consists in identity of Sacraments and of public worship, in the fact that all agree as to Sacraments and public worship, and in a mutual recognition of membership of the Church; likewise in the recognition of the same pastors, especially the Roman Pontiff. Of course, participation of the Sacraments and actual conjunction in acts of worship appertain to the unity of communion; but they are not essential conditions on the part of individuals to their being in the Catholic Church and belonging to it. For a man who never goes to Mass, or Confession or Communion, does not thereby cease to be a Catholic, though he is certainly not to be reputed a good one. Baptism is the only Sacrament whose reception is strictly necessary to our being members of the Church. Hence the expression, not uncommon among Catholics in England, of persons being *out of the Church*, because they neglect their duties, is not perfectly accurate, though, as the meaning is sufficiently understood, no great mischief arises from its use.

The Church is one in government, because it has one visible Head on earth, the Roman Pontiff, to whom all other pastors are subordinate. The Pope is one man holding supreme authority over Bishops, priests, and people. The Bishops are the special chief pastors of different local portions of the Church; and they—the Pope

included—are, at the same time, one great governing body, whose compactness is secured by the conjunction of the rest with the Pope, and their dependence on him. The Episcopate is, none the less, of divine institution, and invested with a divinely derived authority. This is shared in a lower degree by the second order of the clergy. The Pastors of the Catholic Church, mainly the chief Pastors, that is to say, the Bishops, with the Sovereign Pontiff at their head, constitute what is called the *Teaching Church*—the *Ecclesia Docens.* We may, with equal propriety, call them the *Governing Church*—the *Ecclesia Regens.* The term *Church,* by itself, is very often taken in this sense; and, a little later on, I will take it almost exclusively in this sense, as my principal concern is about the Teaching or Governing Church. I have, however, something still to say of the Catholic Church in its more comprehensive acceptation.

The Catholic Church, though not exactly the same thing as the Catholic Religion, is inseparably connected with it. One is nowhere found without the other. They are perfectly co-extensive. Both were instituted by Our Lord for the whole human race. His design was that all men should be members of the Catholic Church, and professing the Catholic Religion. This design was not an efficacious decree, to be inevitably carried out by Divine Omnipotence, which never fails to do thoroughly whatever it undertakes. But this was still no less truly the design—the intention—of God and of Christ. For God most really wills many things that do not come to pass. because He permits them to be impeded. No one doubts, for instance, that God really wills we should all serve Him faithfully, avoid evil and do good; and yet we often, unhappily, succeed in not carrying out this will of our Creator. The plan of Christ, in founding His religion and

His Church, took in the whole world, and contained provisions of themselves sufficient for its own realization. But human perversity, though unable to prevent the establishment and wide-spread diffusion of Christianity, and of Catholicity (which is the only Christianity that has Christ for its immediate, intentional author), though unable too to overturn the Religion and Church of Christ, once established, or to reduce them within narrow limits, has been allowed largely to interfere with their absolute universality. Had the project of our Redeemer been fulfilled, all men would be Catholics. There would be neither Pagans, nor Jews, nor Protestants, nor Infidels. We all know how different is the actual state of things. We must put up with it. We must do the best we can for our Religion, for our Church, for ourselves; for those also who, unhappily, do not enjoy that great blessing which was intended for all, and which, through God's mercy, we possess, in being the people of God in a far more exalted sense and degree than the Jews of old. We must live in peace with them, and try, by all legitimate means, to induce them to become sharers of the same advantages. We must, at the same time, resist, by all legitimate means, their attempts at aggression on our Religion and our Church.

Before proceeding further, I will take occasion to draw an inference or two from the undoubted truth I have been stating—undoubted, I mean, among Catholics—of the absolute universality of our Religion, in the designs of its Divine Founder. First, it follows that Catholicity was originally intended by God—and He has never changed that intention—to be a pervading element of all human society; that the Church's one organization was to stretch through all places, concurrently with the various civil organizations of the whole earth; that the entire mass of

mankind was to live as much under a visible Divine rule, as the ancient Hebrew nation—under a visible Divine *religious* rule ; for their political government was not to be a Theocracy, as was that of the Jews ; but it was to be in accord and harmony with the Church ; and could not have been otherwise, when kings and subjects were all faithful Catholics, as God willed and wills they should be. The Catholic Religion was not to be a mere accidental adjunct, but part and parcel of the constitution of human society. So it was, in fact, for centuries in many countries, not without defects and shortcomings, the result of men's weaknesses and vices ; but so it was in a great degree. So it is still in those few nations that are still Catholic ; though, indeed, none are as exclusively Catholic as many were a few hundred years ago.

We see in countries whose population possesses partly that imperfect Christianity which exists outside the true Church, partly the Catholic religion—for there are no Christian countries without an admixture of Catholics—we see, I say, in all those countries, that even this imperfect Christianity enters into the constitution of civil society, and renders it far other than it would be without so much of a wholesome leaven. Sectarian Christianity moulds civil society. Much more does Catholicity do so. Though the Catholic religion is not a political institution, and can co-exist, and flourishingly co-exist, with all legitimate forms of political government, it necessarily exercises great influence over the merely natural and human condition of those countries in which it prevails. I repeat now, once more, that in the designs of God all countries were to be such, and consequently those countries which are, or which were, Catholic are, or were, so far, in what may be truly called a normal state, and no others. Hence that secularism, which is so much cried up at present, and

often by otherwise able men, is most directly and radically opposed to the designs and intentions of God.

A second inference I would draw from the design of God concerning the extent of Catholicity is, that those are mistaken who say or think it is in a manner all right there should be different sects of Christians, and, perhaps, of non-Christians, too: not, of course, that all of them are correct in their views, but that this diversity is legitimately incidental to religion. This is certainly a broad way of putting it, broader probably than would be easily ventured on. Yet, the idea is afloat, principally among persons outside the Church, but not, perhaps, quite exclusively. I am not alluding here to the toleration of various creeds by a Catholic or non-Catholic Government; neither am I alluding to friendly intercourse with sectaries; nor even to the excusableness, before God, of many who are not in external communion with the Catholic Church; but to the notion that different sects have an objective right to be, that this is the appropriate lot of religion. Divergencies of doctrine are looked on somewhat in the light of various schools of philosophy. The reason of different men, it is said, will take different roads in religious matters. I say, unfortunately this is so, as a matter of fact; but God would not have it thus. Not only do we know that there is but one true religion, and that whatever religions are at variance with this one must be false, and all other religions are at variance with it; but we know, likewise, that the Almighty positively and definitely appointed this one true religion, and the Church with which it is indivisibly associated, for the whole of mankind, for all those who now culpably or inculpably profess other religions. These other religions ought not to be. They are all the fruit of waywardness and perversity; they are all against the designs and will of God.

What I have said concerning the intention of Christ in founding His Church goes a good way to show the nature of the relations of the Church to civil society. If that intention had been fulfilled, the Church would be identical with civil society as to its members, and there would be mutual concord in the attainment of the respective ends of the two combined orders—social and religious. As things stand, wherever the Catholic Church exists, there is the same identity of the members of the Church with the members of civil society, and there *ought to be* the same concord in the attainment of those ends. This concord often fails to subsist, not through the Church's fault, but through that of the rulers of the State, sometimes Protestants or Infidels, sometimes Catholics not acting in a Catholic spirit. The Church has a divine right, whether acknowledged or not, to be left free and unshackled in all that regards the constitution which it has received from its Divine Founder. This right resides in all and each of its members. In the first place, the whole Catholic Church, taken as one body, possesses this right for all and each of its parts or sections, say for the sections that are found in France, in Germany, in Italy, in England, in Ireland, and so on, respectively. Secondly, each of these sections possesses this right for itself, in virtue of its being a portion of the whole Church, through which the right is, as it were, diffused. Lastly, in every place, every individual belonging to the Church has his share in this right. The Catholic Church has its charter directly from God, it came immediately out of the hands of God, not through princes nor through people. It was first established when all princes, and we may say, all nations were against it. This circumstance was providential, not only inasmuch as it served to show the power of God and the Divine character of an institution which was able to triumph over

such obstacles, but also because the Church, in its origin, neither required, nor received, nor waited for any consent from existing political states. Later it was to be combined with them, to influence them, to work in harmony with them, if they would work with it, never to be subject to them. Its members are their subjects in another order, not itself.

The Church has a right to be protected by the State, because the Church is no intruder, but has a right to be there; and whoever and whatever has a right to be there has a consequent right to be guarded by the State against molestation. This is true even when the right to be there comes from the State, which ought to be consistent; but it is more obviously true when the right to be there comes from a higher authority, which the State cannot legitimately contravene.

Besides, Religion is necessary for the well-being of civil society. Civil society cannot go on without religion, and never has gone on without religion of some sort. All governments that have lasted any time have understood this, and have acted accordingly. No doubt, many of the religions on which society had to depend at various periods in different countries were miserably defective, full of the grossest errors, comparatively unfit even for the temporal purpose to which I am now alluding, and comparatively ineffectual in attaining it. But they were better than nothing. The various forms of Paganism were better than nothing. There was a certain amount of religious truth mixed up with them, and this was better than nothing. Natural religion would have been far better. Best of all must be the supernatural religion framed by the Almighty for the whole human race, accommodated to the circumstances and destinies of men in their present condition, comprising in itself natural religion; but natural religion

exalted and combined with higher elements. Such is the Catholic Religion—the Catholic religion alone. This, then, is the religion best fitted—alone fully fitted—to do the work which civil society needs to have done for it by religion. This is the religion which the one great Author of civil society and religion, the natural and supernatural order of things, intended should do that work for society. This, then, is the religion which every state, every government is bound to receive, protect, cherish, even with a view to securing the more immediate end of temporal rule, the temporal tranquillity and happiness of men on earth. With the Catholic religion comes the Catholic Church, inseparably as both are bound up together.

I have been taking rather high ground, regarding the due position of the Catholic Religion and Church in every nation; high, no doubt, but not higher than that which necessarily results from the right understanding, the only true Catholic view, of our Religion and Church, higher, however, than I expect to be accepted by non-Catholics, who, as a matter of course, will not agree with us concerning the Divine prerogatives of either. Though we cannot abandon this high ground, we are not precluded from taking *also* a lower level, and vindicating what may be called accidental and extraneous rights of the Church. At these I will only glance, as they do not enter into my subject, which is confined to the essential rights of the Church considered as a Divine Institution.

The Catholic Church is legally authorized to exist in various countries, in some of which the Catholic Religion is that of the State, while in others there is no State Religion, and in others again there is some other State Religion, as is the case in England. But the Catholic Religion and Church are permitted by the law. The language of the law in all such countries is to this effect: "Catholics

have full liberty to profess and practise their religion." Such is the language of the law in these countries—in all the British dominions, in England and Scotland where there are established Churches, in Ireland and the Colonies where there is not any established Church, and where Protestants have no legal pre-eminence over Catholics, if we except the personal prerogative of the *present* dignitaries of the Disestablished Church of Ireland, and that is not much. This complete liberty of Catholics, and of the Catholic Church, throughout the British Empire, is not based on any acknowledged Divine right of our religion—nor are we foolish enough to pretend that it is so. Whatever the Divine right may be, and undoubtedly is, according to our belief, the right we have to rely on before the State is a human political right guaranteed by public constitutional law. But we maintain that the principle, once admitted, ought to be consistently carried out. We maintain that our social temporal needs should be provided for in a way not at variance with our religious tenets. Hence our repeated complaints concerning the modes adopted, or not adopted, by the State of dealing with Education.

We maintain, too, that we are entitled not to be interfered with as to our Monastic Institutions. These institutions are part and parcel of the Catholic Church. We have the same right to possess them unmolested as we have to profess our creed or practise our ceremonies. The members of religious communities have a two-fold right to perfect liberty in pursuing the course they have chosen, and to own and administer the property bestowed on the establishments or their inmates. They have the right which comes from, and is identified with, the full toleration of the Catholic Religion in these countries, and which the State cannot consistently abridge; and they have the common

right, as mere citizens, to live separately or together, in any manner they please, that is not palpably and grievously pernicious to society. Hence, we complain of that penal enactment still subsisting, which, in a manner, proscribes all members of male religious orders in these countries, and deprives their communities of advantages possessed by any voluntary association of merely secular persons with regard to the acquisition of property. Hence, too, we protest against the attempts of busy fanatics and others from whom better might be expected, to pry into the pecuniary and other concerns of convents, with the obvious ulterior view of injuring them. Amongst the defences set up for proceedings of this kind, it is alleged that the same thing, or even worse, is done in Catholic countries and by Catholics. It is not, therefore, to be attributed to Protestant prejudice. This is a superficially specious argument—but there is really very little in it. The men who act thus abroad are often of Catholic families, and they may not, themselves, have embraced any other particular creed. I apprehend no humanly respectable body of religionists would be anxious to claim them. Many of them are notorious infidels. None of them are religious men, nor do they pretend to be so, except by occasional hypocritical professions—rather ludicrous in the circumstances—whereby to cloak their malice. Even if they be really Catholics, they do not act as such in the courses they pursue with regard to the Church and religious or ecclesiastical communities, any more than a Catholic or a Protestant acts as such in the commission of delinquencies to which his passions or his interests impel him. Those whom their friends or enemies regard as good or thorough Catholics, as a rule, do not do such things, though occasionally some of their number may be deceived into a certain amount of co-operation in them. There are plenty of human vicious motives to induce men to assail

religious and ecclesiastical institutions, quite irrespective of what are called sectarian prejudices. Such motives will operate on men who retain the true Faith, but involve no proof that the institutions assailed deserve such treatment, or that Catholic belief has anything, directly or indirectly, to do with it.

But I must stop. The question on which I have been touching does not, as I have said, belong to my programme, and from its nature would, if treated satisfactorily, involve a disproportionately long digression. This question I may possibly take up at some future time, but not in the present papers on the Relations of the Church to Society.

I will, therefore, proceed next to consider the origin, nature, and office of the *Teaching* and *Governing Church*, to which I have already alluded.

CHAPTER III.

THE PASTORAL OFFICE OF THE CHURCH.

THE Apostles were the first Pastors of the Christian Church, specially appointed by Our Lord. In them the pastoral office was inaugurated. They were Bishops. The Apostolic College was the Episcopate, early extended by the accession of other Bishops whom the Apostles associated with themselves, adding deacons as well as priests of the second order. These last were probably fewer, as compared with the Bishops, than was the case later, and this on account of the peculiar needs of the nascent Church, and the liability of the pastors to be cut off by persecution. The Hierarchy was established from the beginning, and established as a permanent institution, containing in itself the necessary means of its own perpetuation. The Apostles, I have said, were Bishops. They had the episcopal character and authority which Bishops have had ever since. They had, no doubt, peculiar prerogatives. To say nothing of their miraculous gifts, of their consummate sanctity after the descent of the Holy Ghost, of their individual inerrancy in teaching, they had a locally indefinite jurisdiction. They were not only the pastors, but, under Christ, in a true sense, the founders of the Church. Their successors in the episcopal dignity were not to be singly endowed with the same powers, though the episcopal body was always to have the plenitude of authority. Each Bishop was not to be what each Apostle had been; but each Bishop was to be as thoroughly a Bishop as any of the Apostles.

No Apostle but one was to have successive heirs individually invested with the fulness of ecclesiastical dominion. That one was Saint Peter. His whole office was to persevere in every one of his successors to the end of time. Saint Peter was the supreme ruler of the Church, including the other Apostles; though, of course, they stood in little need of being controlled by him; and, in truth, his functions were appointed more for the sake of subsequent periods than of his own. Still the Apostles were subject to him. Saint Chrysostom goes so far as to say that Peter could, by himself, have appointed even an apostle to take the place of Judas, and attributes to the fear of showing partiality his having left the settlement of this matter to an election.* Be that as it may, Saint Peter was the supreme ruler of the whole Church, not excepting his brethren in the apostleship. Every successor of Saint Peter is all that he was, saving miraculous gifts and personal sanctity. Every Pope possesses the same apostolic power, the same supremacy of apostolic power that resided in Saint Peter.

We have now to consider the nature of the permanent ecclesiastical office bestowed on the Apostles and their Head; and, at the same time, the means by which it was to be perpetuated, and has been perpetuated. We may distinguish three elements in that office—three powers which it comprised: namely, *the power of order*, or sacramental power, *the governing power*, and the *doctrinal* or teaching *power*.

Every Apostle had the plenitude of the priesthood, that is to say, the priesthood as it exists in priests of the second order—those whom we simply call priests—and that

* "What, therefore? Could not Peter himself make the choice? He could indeed; but he does not do so, lest he may seem to be showing favour."—*Hom.* 3 *in Act. Apost.*

further extension of the sacerdotal character which belongs to Bishops, and which contains the power of ordaining and confirming. For every Bishop is a priest, though every priest is not a Bishop. Of the seven sacraments, five cannot be effected, even validly, unless by a Bishop or priest. One of these five is the sacrament of Holy Orders, whereby Priests and Bishops are made such; and, like the others, it consists in a certain ceremony performed by the officiating minister. Ordination is a sacred rite, gone through by a bishop, about or towards a person present before him. If the rite be carried out with substantial exactness with the intention of ordaining, and the recipient be baptized and have the intention of being ordained, the Holy Order is conferred, no matter what be the faith or morals of either party. All lies in the ceremony and the circumstances immediately regarding it. Here we have the means by which the power of order has been handed down in the Church. The Apostles were Bishops. They ordained other Bishops, communicating to them the same necessary qualification for constituting others again; and so on through all ages. It is thus the faithful of every period since Christ have had clergy and sacraments.

The *power of jurisdiction* consists in a right to exercise authority over Christians in those things which belong to religion. This power is of various kinds and degrees, into which I will not enter at this moment. I will merely observe that besides what concerns the legislation and outward tribunals of the Church, there is a jurisdiction—as well as power of order—required for the *valid* administration of the sacrament of penance; and likewise a sort of jurisdiction necessary for the *legitimate* administration of the other sacraments. No pastoral act can be lawfully performed without some participation of ecclesiastical authority, either ordinary, that is to say, attached to a

permanent office, or delegated. For all these acts appertain to the pastoral charge and mission, which implies something besides the qualification included in the reception of Holy Orders. Hence, the famous question about Anglican orders, though undoubtedly important, is not so to the extent some imagine. If all the clergy of the Church of England were as validly ordained as the Apostles, they would not be a bit more truly pastors of the Church of Christ, since they have no Divine mission. But this by the way.

Jurisdiction and the power of order are not only distinct from each other but actually separable. A person may have Priest's or Bishop's orders, and possess no jurisdiction whatever. On the other hand, a person not ordained Priest or Bishop may be invested with jurisdiction, as to non-sacramental acts to be done by himself, or sacramental acts which he may authorise in another.

If we inquire how ecclesiastical jurisdiction commenced, and how it has been continued, the answer to the first question is that this jurisdiction was bestowed by Christ on His Apostles, and in an eminent degree on St. Peter. The answer to the second question is, that jurisdiction was in part communicated by the Apostles to others, by these again to others, and so on; in part came and comes immediately from God on the fulfilment of certain conditions regarding the persons. Priests having jurisdiction derive it from Bishops or the Pope. The Pope has it immediately from God, on his legitimate election. The legitimacy of his election depends on the observance of the rules established by previous Popes regarding such election. In extraordinary circumstances, as in the case of a doubtful Pope, the other Bishops may interfere to provide for the urgency. Whence Bishops receive their jurisdiction is a somewhat disputed point; whether, namely, from God

immediately, or from the Pope. In this matter, two things are certain. One is that, even if the jurisdiction comes from God, its local limits and many of its details depend on the Sovereign Pontiff. The other is that, as I have already remarked, the existence of an episcopate and the government of the Church by Bishops, though in subordination to the Pope, is of divine institution, and not the result of merely ecclesiastical law.

Jurisdiction is not, like the power of order, of its own nature, dependent for its transmission on any particular ceremony, and may be communicated even to an absent person by the will of the giver sufficiently manifested. If a special form is prescribed by ecclesiastical law, this law must be observed, and sometimes its observance may be a necessary condition for validity.

It is of the most vital moment to understand that not a particle of ecclesiastical jurisdiction is derived from the people, either as its original source or as a divinely appointed channel. There is no parity whatever in this respect between the authority of Christian pastors and that of temporal rulers, whose power is, with great probability, held to come immediately from the people, though this latter doctrine may be, and has been, much abused and turned to a bad account. Nor does ecclesiastical jurisdiction, or any part of it, come from secular princes. When the people have had a share in the election of Bishops or Popes, their votes were but a condition prescribed by Ecclesiastical Law; the jurisdiction did not come *from* them nor *through* them. Even the Cardinals, who at present elect the Pope, do not give him his authority. When kings present persons for bishoprics, they communicate no power. This is derived from God or from the Pope. I am not prepared to deny that the Roman Pontiff could invest a prince or other laymen with

a certain amount of ecclesiastical jurisdiction, though it is not usual. In any such case the person would be the Pope's delegate. But no lay ruler has the least jurisdiction arising out of his civil power, nor has God annexed any such prerogative to it. Every attempt of kings or emperors, to exercise authority in ecclesiastical matters with reference to Catholics is an act of sacrilegious tyranny and usurpation, and the theory which attributes to them a right to do so is an error against Catholic faith. We know what the case is in this respect in the Church of England. State interference is felt sorely by many of the Anglican clergy, and looked on by them as a great grievance and an unholy thing. No doubt the principle which influences these ministers is a good one; but, after all, they have not so much reason to complain. Their Church is a human institution, and what men get up they are more or less entitled to manage as they like. This is what the British Crown and Parliament have done. Rather, the men referred to ought to see in this normal, and fundamental, and generally accepted condition of their Church a strong indication that it is no part of the Church of Christ.

I shall have occasion to return hereafter to the subject of jurisdiction. For the present, I pass on to the third element of the pastoral office, namely, *teaching*. Christ gave to St. Peter and to the other Apostles, and in them to future sovereign Pontiffs and Bishops, and in a less degree to priests, a commission to teach his doctrine—to teach the Catholic religion. This teaching, besides the proposition, exposition, inculcation of divine truths, includes also the settlement of controversies which arise about them. For it is obvious that where a question of doctrine is mooted, and opposite sides are taken, people cannot be taught what they should hold without deciding

the question one way or the other for them. If some say, for instance, that matrimony is a sacrament and others that it is not, the authority which teaches that it is, necessarily at the same time pronounces a judgment concerning the controversy that has existed on the subject; and where that controversy is well known must take explicit notice of it. The very fact of the denial of the doctrine calls for its maintenance against its opponents, and the accredited teachers must do this or not do their duty. The teaching Church is essentially the judge of religious controversies, and would not be a teaching Church if it were not the judge of controversies. It does not follow from this that all disputes about doctrine, all controversies regarding religious truths, must be actually decided. There are plenty of opinions on such matters, which may be safely left in the condition of opinions. Catholic theology abounds in them, and orthodox authors contend with impunity about them. But questions have arisen on which the integrity of Catholic doctrine demanded a prompt decision, whilst others were of a character that did not so imperatively need to be decided all at once, and yet which it was most profitable should be conclusively pronounced upon, especially at some particular time. The definitions regarding the Immaculate Conception and certain prerogatives of the Roman Pontiff afford illustrations of this. It is well to observe here that dogmas of faith may be most unmistakably taught by the teaching Church without a formal definition, and on the other hand that a definition may be pronounced concerning dogmas already so taught without any preceding definition. The earliest denial of the Divinity of Christ was heresy—that is, the rejection of a dogma revealed by God and sufficiently proposed by the teaching Church. The same may be said of the Real Presence and of other doctrines.

The subject-matter of the teaching which Our Lord entrusted to His disciples and their successors, was the whole of what is comprised in the Catholic Religion, namely, both revealed truths, including the positive Law of God, and likewise the entire Divine Natural Law, which, as we have seen, enters into the Catholic Religion. We can place no narrower limits than these. Christ commissioned St. Peter and the other Apostles, and, in them, those who should hold their places at every given time, to teach His religion, and, therefore, whatever is comprehended in that religion.

We have next to consider the perfection of this teaching —its efficiency for the purpose in view. The purpose in view is, that all the members of the Church may know with certainty what they are bound to hold as the object of their belief and the rule of their conduct. It is not necessary that the simple Faithful should have a detailed theological knowledge of all religious doctrines, but they must understand correctly, according to their capacity, the chief among those doctrines. They must have the means of guarding themselves against error; they must have an authority which they may recur to, and on which they may perfectly rely. The controversies which need to be decided, or which are decided, with or without absolute need, must be really settled, set at rest in such a manner as to justify the exaction of an unhesitating submission to the judgment pronounced. It was this Our Lord intended, and it was this He did and does carry out. Such is the efficiency He has given to the teaching with which the pastors of His Church have been charged by Him. This efficiency includes the gift of inerrancy, infallibility, which all Catholics of every age have recognised in the teaching Church. I must remind my readers that I am not *arguing*; I am only *stating*. Were I arguing—proving the in-

fallibility of the teaching Church—I would not take my stand mainly on the abstract ground that Our Lord, in establishing a religion, especially a religion so comprehensive in its doctrines as that which He did establish, and in establishing it for the whole world, was bound in consistency to provide an infallible tribunal, such as that we believe He has established. I think this ground a good one; but I would not take my stand *mainly* on it, precisely on account of its abstract character. I would rely chiefly, and I could rely entirely, on the evidence there is of His having done so as a matter of fact, from His own words recorded in the Gospels, from the words of His inspired Apostles, from the belief to this effect which has always existed and always been acted on in the Church. But, as I have said, I am not arguing. I am speaking to Catholics about what they unite with me in firmly holding.

Where does this prerogative of infallibility in teaching reside? First of all, it is not possessed by the priests of the second order, those whom we simply call priests. They teach, no doubt, and very extensively, and on their teaching, in great measure, depends the instruction of the faithful and their acquaintance with religious truth. But it is not necessary that every one who communicates Catholic doctrine, even officially, should be infallible. The need of the people is sufficiently provided for in this respect, if there be a living authority in the Church that presides over all religious teaching, an authority on which all local teachers depend, and are known to depend, and which affords a public standard of doctrine whereby deviations on the part of individual pastors would be at once discovered. As a matter of fact, all Catholic priests charged in any way with the care of parishes or districts, without any appreciable exception, do agree in their teaching as to the settled doctrines of the Church.

Next, Bishops taken separately are not infallible, though they are, in a higher degree than Priests, teachers and guardians of religious truth. Neither do National or Provincial Synods of Bishops enjoy this prerogative.

The Catholic Episcopate, that is to say, the whole body of the Bishops, including the Sovereign Pontiff, cannot err in teaching as to faith or morals. This is true of the Bishops dispersed throughout the Church, independently of the assemblage of the whole or any portion of them in a Council. Nor would the dissent of a few Bishops avail to interfere with the inerrancy of the rest joined with the Pope. Further, a General Council of Bishops legitimately called and assembled, though not actually comprising the whole, or even the greater part, of the Bishops of the Church, but acting in conjunction with the Roman Pontiff, whether personally present or not, is infallible; and this infallibility is not prejudiced by the dissent of a few of those assembled in the Council. But *its decrees* must have the sanction of the Roman Pontiff, either previously or subsequently given; and, without this, neither his convocation of the Council nor the presidency and assent of his legates would suffice; for he has no power to delegate his special authority of pronouncing on questions of faith and morals. He could not put the whole matter into the hands of the Council, so as to enable the assembled Bishops to decide finally without his own express participation in the decision itself, whether he were physically present or not.

Lastly, the Roman Pontiff, by himself, and irrespectively of the concurrence of the other Bishops, or any of them, possesses the prerogative of infallibility, the same as to matter and degree as that possessed by a General Council or by the whole episcopate. I say *by himself* and *irrespectively* of their concurrence; not that he could possibly

be left alone or opposed by nearly the whole or even by the greater part of the Bishops *of the Church*, though he might by the majority of a Council otherwise General, for this simple reason, that Bishops assembled in Council and opposing themselves to a Papal definition are only to be reputed *so many Bishops;* for such separation from the Roman Pontiff is inconsistent with their conciliary or council character. This would be true, even abstracting from the Pope's prerogative of infallibility. The doctrine of Papal Infallibility was at all times the prevalent doctrine in the Church, though in a less degree during a comparatively late period of two or three centuries than before or since that period. When I say *in a less degree*, I mean that it was more controverted, but still by a minority, and a small minority. This doctrine was, at length, solemnly defined by the Vatican Council, which was an unmistakably legitimate General Council, and acting legitimately and freely with reference to this particular definition, as well as with reference to other things. No dogma ever was, or could be, more validly proclaimed by any General Council. This was in itself quite enough. But, in addition to this, we have the subsequent adhesion of the rest of the Bishops of the Catholic Church, with no exception, or, possibly, with the exception of a very few, of which I am not aware. Hence, either the Pope *is* infallible, or the teaching Church *is not*. The denial of the Pope's Infallibility is as rank heresy as the denial of the Blessed Trinity.

I have now stated in general terms the origin, nature, and office, or rather *offices*, of the *Teaching* and *Governing* Church, that is, of the Pastors of the Catholic Church. The *origin* is from Christ. The *nature* embraces the offices and the powers annexed to them, as well as the perpetuity and the means of transmission of those offices and powers. The

offices and *powers*, we have seen, are three, namely, *Sacramental*, *Jurisdictional*, and *Doctrinal*. In treating of the last of these I have been obliged to speak of the Infallibility of the teaching Church and of the Roman Pontiff. I will say a few words more on this point of Infallibility before passing on to other parts of my subject, as there are inaccurate notions afloat about it at the present time.

CHAPTER IV.

INFALLIBILITY.

THE Infallibility of the Pope is exactly of the same character as that of the whole Teaching Church. It presents, however, special difficulties to the minds of some. For this reason, and at the same time to avoid the cumbersome repetition of the phrase, *the Infallibility of the Church and the Pope*, I will speak simply of the Infallibility of the Pope, alluding, where occasion requires, to that of the Church. Henceforth, too, by the word *Church* I will mean the Teaching Church, unless where the context sufficiently shows that the whole body of the Faithful is to be understood.

The Infallibility of the Pope does not consist in his actual freedom from error; though this, when of very long continuance, affords a probable argument for his Infallibility. The Infallibility consists in freedom from liability to error. It is not, on the other hand, an inherent quality, but depends on the protection and assistance of God, protection from teaching what is false, and assistance to teach the truth where occasion requires that the truth should be taught. The Infallibility implies a Divine decree to afford this protection and this assistance. Such a decree might exist without being revealed. Infallibility might exist without being promised. Even so, it would be a great benefit; but not at all so great as when promised, because men would have no guarantee to give them security and

confidence. The Infallibility, as it stands in reality, involves a Divine promise that the Roman Pontiff shall not err in teaching.

What teaching is to be understood as invested with this assurance? *The matter* of the teaching, as has been already said, is Faith and Morals. By Faith is meant Truths revealed through those whom we may call the accredited agents employed by the Almighty to establish the Religion, first of the old covenant and then of the new, the last of whom were the Apostles and Evangelists. Since their time there has been no revelation entering into the deposit of Faith. Many holy men and women have, no doubt, been favoured with supernatural communications, concerning which, it seems, they could, in many instances, make acts of Divine Faith; but these are outside the deposit and outside the dogmatic teaching of the Pope. No definition ever was or ever will be based upon them. The great Christian Revelation which was, and was to be, the last strictly belonging to our Divine Religion, closed with the Apostolic era. By Faith, then, in our present context, we are to understand the Truths revealed by God and appertaining to the Old and New Testaments, these truths, I say, in themselves and in the conclusions deducible from them. The whole deposit of Revelation has been placed in the custody of the Church and of the Pope, and in dealing with this mass of Truth, or any part of it, and authoritatively teaching with regard to it, the Church or the Pope cannot err. It belongs, too, entirely, to the Church or Pope to judge of the sufficiency of the revelation on any point to make it a fit subject for such teaching. It is needless to say that neither the Church nor the Pope has any power over revealed truths. Indeed, it seems absurd to make allusion to such a thing But the real or pretended fancies of some adversaries of the

Catholic religion are so extravagant that a remark of this kind may not be out of place. The Pope is a mere guardian and expounder of the doctrines which come from God. He can originate nothing with respect to the truths which he proposes. So far for Faith. Morals, which form another subject matter of teaching, comprise, as I have fully stated in a former part of this essay, all Divine Law, Natural and Positive—that is to say, superadded by the free will of God. Questions of Morality—questions concerning the goodness or badness of human actions—even where their solution cannot be derived conclusively from Divine Revelation, come within the range of the Infallible Teaching of the Roman Pontiff. This appears from the distinction made by the Church, and by the Vatican Council itself, between *Faith* and *Morals*. If Infallibility as to Morals regarded those points only which precisely belong to Faith, there would be no need of distinctly naming them. Infallibility as to Morals would coincide, and be identified, with Infallibility as to Faith, and Faith alone would have to be mentioned. Besides, when the Pope is said to be Infallible in Morals, the obvious meaning is that he is universally Infallible in Morals, that he cannot err in any part of his teaching about Morals, for assuredly if he could he would be fallible in them.

The Pope is Infallible in pronouncing on the orthodoxy or heterodoxy of written statements concerning doctrine, whether these statements be considered by themselves or in their context. Hence, when the Jansenists attempted to elude the condemnation of the celebrated five propositions extracted from the work of Jansenius, by saying that they were, no doubt, censurable as presented in an isolated form, but that no such doctrine really existed in the book rightly understood, and Innocent the Tenth, to exclude this evasion, formally condemned them *in the sense of the*

Author, his judgment was Infallible, and was received as such by all sound Catholics, viewing it, at least, in the light of a decision of *the Church*, through the adhesion of the Bishops, whatever some may have thought of the liability of the Roman Pontiff to error when considered by himself, as the Papal Infallibility had not then been defined, and was called in question by several Catholic theologians. Indeed, this matter of true or false statements in doctrine is obviously identified with doctrine itself, and infallibility in the latter implies infallibility in the former. For all doctrine which is approved or proscribed must be expressed in words, and words depend for their meaning on the context in which they are used, if they have a context at all. It would be absurd enough to say that the Church or the Pope can judge infallibly of the character of a short proposition taken by itself, and cannot judge infallibly of the character of a proposition as occurring in a book in combination with other sentences. When propositions are condemned *in the sense of the author*, as was done in the case referred to, there is not question of the internal personal intention of the writer, but of the meaning presented by the expressions as they stand in the book. It would make no matter if the man who penned them was totally ignorant of their force, or was out of his mind at the time.

The Pope cannot err in universal discipline, in this sense, that he cannot impose on the whole body of the Faithful a command to do what is wrong, or to abstain from what is obligatory or necessary for salvation. The impossibility of his being allowed to do so is, perhaps, referrible rather to the Sanctity of the Church than to the Infallibility properly so called, as we are speaking of it.

The Pope is commonly held to be Infallible in the Canonization of Saints, and there can be no reasonable

doubt on this point; as both Infallibility in Morals and the Sanctity of the Church require that public religious honours through the whole world should not be decreed to be paid to a lost soul. Such a mistake could not be permitted. It is not to be inferred from this that Infallibility is claimed as to the details of the process. There is question only of the result, the actual enrolment of a deceased person in the catalogue of the saints, concerning which act the Church or the Pope is not liable to err, though this is not strictly a dogma of Faith, but, in my judgment, altogether certain.

Having said so much regarding the subject matter of the Pope's Infallibility, I pass on to the conditions required on the part of the act whereby it is exercised, or to which it attaches. The Roman Pontiff is not pretended to be Infallible in all that he says or writes, not only in his private capacity as a man or a Christian, but even officially as Head of the Church. His divinely derived authority and sovereign position entitle him, no doubt, to respect and obedience in a very high degree; and would do so if he had never received the prerogative of inerrancy. But his Infallibility is confined to what may be called solemn teaching—to the propounding of doctrines, the reception of which he exacts from the Faithful. The Pope is then said to speak *ex cathedra—from the chair*, taken as a symbol of doctrinal authority, in the same sense that our Lord in the Gospel said that the Scribes and Pharisees sat in the chair of Moses. It is true that there are no special forms determined by Divine Law, nor any determinable by human law, as essential for this purpose. But there must be a sufficiently manifested intention of exercising the function of Supreme Teacher. The modes of speaking adopted must be such as fully to convey this intention. As a matter of fact, these modes are carefully selected and

employed in all cases in which the Popes do exercise that function. Further, even when the Sovereign Pontiff does undertake to teach, either by laying down doctrine to be received, or else by condemning doctrine and exacting its rejection, the infallibility of his teaching is confined to that which is directly and expressly insisted on, and does not extend to preliminary or incidental statements or arguments in support of the truths propounded. And what is said of Popes, in this respect, applies also to the decrees of General Councils. A Pope or a Council may indeed explicitly define that a particular text of Scripture is to be understood in a certain sense. In that case the interpretation is part of the doctrine taught, and is to be accepted as such. But if the text be merely brought forward as a ground of proof, the Infallible teaching does not include the meaning given to the text, though the citation of it in such a context is of very great weight as to the determination of its sense.

It appears from what I have said that the Papal Infallibility is comparatively seldom brought into action. I am very far from denying that the Vicar of Christ is largely assisted by God in the fulfilment of his sublime office, that he receives great light and strength to do well the great work entrusted to him and imposed on him, that he is continually guided from above in the government of the Catholic Church. But this is not the meaning of Infallibility. I must confess I do not like to hear this prerogative alluded to in what may be called a wrong context. I would not so much object to its being mentioned without a context, by using, for instance, the term *Infallible* as a mere title of honour. This is rather natural at the present time, especially when the doctrine has been so lately defined, though of course the gift existed as much from the beginning of Christianity as now. But what is the use of

dragging in the Infallibility in connection with Papal acts with which it has nothing to do—Papal acts which are very good and very holy, and entitled to all respect and obedience, acts in which the Pontiff is commonly not mistaken, but in which he could be mistaken and still remain infallible in the only sense in which he has been declared to be so? This unseasonable use of the term, or reference to the doctrine, may lead to inaccurate ideas in Catholics and afford a handle to Protestants, who delight in stretching the prerogative, in order to make it odious or ridiculous. In these remarks I am not criticising theological opinions gravely and deliberately maintained, nor have I any desire to minimize. That is not my turn. I speak rather of casual expressions and of occasional incidental attempts to support some assertion or view, often correct enough in itself, by bringing the authority of the Pope to bear unduly on it.

As I have alluded to the views of Protestants on this subject, I may observe that they first accuse the Popes, often quite falsely, often with exaggeration, of misconduct in their actions, and then call attention to the inconsistency of such proceedings with their supposed infallibility, as if sins or excesses of any sort had to do with this privilege. For example, some of them charge Gregory the Thirteenth with having been a party to the celebrated massacre of St. Bartholomew, or with having manifested his approbation of that crime, and proceed thence to raise an objection or insinuation against his inerrancy. The imputation is untrue, and, if it were otherwise, the Infallibility would be just as safe, so far as that fact is concerned. It would be quite a different thing if the Pontiff solemnly taught that acts of that kind are lawful. If it be asked why the Pope should be free from error in his teaching and not in his conduct, the answer is easy.

The object and end of the Infallibility bestowed on the Pontiff, and guaranteed to him, is that the Faithful may be accurately instructed in Faith and Morals, and enabled to receive with the most unhesitating confidence the instruction imparted. Now this is connected with teaching only, not with mere acting or speaking, where nothing is attempted to be taught. We may apply here what our Lord said of those who sat in the chair of Moses. "All things whatsoever they shall say to you, observe and do; but according to their works do ye not" (Matt. xxiii. 2, 3). This, I say, is the principle to be acted on, the rule to be followed, with regard to the Popes, wherever anything objectionable may occur in their conduct. But such cases are rare. The Roman Pontiffs have been almost universally good men, and very many of them distinguished by singular holiness.

I have said that no particular formality has been determined by Divine Law as requisite for infallible teaching, and that none could be determined by human law. The reason of this latter statement is obvious, and it is that the Pope is subject to no human law in the discharge of his office. He cannot bind himself legally, because he is not his own superior; nor can he bind his successors, who will be equal to him, nor can he be bound by the other bishops of the Church, because they have not, even collectively, authority over him.

The only essential condition of Infallible Teaching on the part of the Pope in Faith and Morals, is that which I have mentioned—namely, that he manifest sufficiently his intention of propounding a certain doctrine, and exacting its acceptance. But, it may be asked whether the Pope is bound to employ any preliminary means of ascertaining the truth in those questions on which he undertakes to pronounce, and what those means are. Most undoubtedly,

he is bound to employ means for this purpose and to use great diligence in determining what he should teach. He has no arbitrary power of propounding what doctrines he pleases. He is merely the Minister of God, the chief guardian and dispenser of the deposit of Divine truth, not its Lord and Master. Further, he does not receive revelations, nor is he furnished with such inspiration as was accorded to the Prophets and to the writers of sacred books. The means to be employed are the study of the Scriptures, the investigation of traditions, as recorded in the works of the Fathers and Doctors of the Church, in the Decrees of Councils and preceding Pontiffs, in the writings of Theologians, in the concordant teachings of pastors, in the belief of the Faithful throughout the world. Reason, too, is to be laboriously applied in drawing conclusions, and reason is a very leading instrument, more especially in Moral questions of Natural Law, as may be gathered from what we have considered in an earlier part of this essay. The Pope must take the counsel of persons qualified to go through this difficult and complicated process. No matter what his own abilities may happen to be, he needs to be helped by others, and this need is greater if his talent and knowledge are not of a superior order. Many may understand the subjects to be dealt with better than he does, and, humanly speaking, be better qualified to pronounce concerning them than he is. Their natural aid must be employed, though the result is not to be viewed in a merely natural light. The Pope's advisers will often be abler and more learned than the Pope, and yet he is infallible, and they are not, because God has annexed inerrancy to his office, and not to theirs. They afford him information, but he finally judges, assisted by God, partly through them, and guarded by God against the danger of error. The process is to all outward appearance

one of scientific investigation, only that it ought to be accompanied by prayer for light. Some questions of Faith or Morals are more difficult than others, more complicated, more obscure, and the diligence that should be used is proportionally greater. The whole thing is to be treated, if I may so speak, as a matter of business, and in a business-like way. Such is the system which God has established, and requires the Pontiff to pursue, and the same is true of a General Council. In truth, the convocation of a General Council, and its deliberations on questions of Faith and Morals, constitute a more exquisite degree of that diligence which is always necessary, and necessary in a high degree, even when no Council is called. No doubt the definition of a General Council is the act of the assembled Bishops as well as of the Pope. Yet, so far as the power of defining is concerned, the Pope possesses it as fully without a Council as with it.

I may take occasion here to observe that the contrast which some institute between the Pope and a General Council—including the Pope, without whose concurrence the Council is not complete—the contrast, I say, which some institute between the Pope and a General Council, the great difference which these persons seem to see between the two, involves a certain amount of misconception concerning the Infallibility of either. They see no great difficulty in the freedom of a Council from liability to err; but that one man should be invested with that prerogative, that is strange in their eyes. Now what is it that secures the Council against mistake? Is it the number and learning of the Bishops? These circumstances, no doubt, avail much towards a right decision; but they by no means absolutely preclude the possibility of a false judgment. Human testimony, as we are taught in logic, may be such as to afford the most perfect

certainty regarding facts which fall under the senses, so as to exclude all danger of error, all ground for doubt. But there is not question here of facts of this kind, even if the assembly possessed all the conditions which are requisite to render its testimony altogether irrefragable as to facts. There is question here of the meaning of the Word of God written or unwritten, there is question here of reasonings and deductions which cannot be witnessed to in the same way as exterior sensible effects. No Council ever was or ever will be *naturally* infallible concerning religious controversies. Its Infallibility must come from the supernatural assistance and protection of God; and cannot God bestow the same assistance and protection on one man? Undoubtedly He can; and not only a General Council, but the whole of the Bishops of the Church have affirmed that He has undertaken to do so.

To return now to the diligence which I have said the Roman Pontiff is bound to employ in ascertaining the truth of a doctrine, before he propounds it and exacts its acceptance by the Faithful, it may be asked whether this is an essential condition of Infallibility, a condition the fulfilment of which needs to be established in order that a Papal definition should be received as infallible? I answer, most assuredly it is not. Any such condition might lead to endless doubts and difficulties, and impair the advantages attaching to the Infallibility. Besides, to give a very simple reason, the reality of the *act of teaching* is not dependent on previous study. The act of teaching is just as complete when not preceded as when preceded by due investigation. Therefore if the Pope could propound erroneous doctrine in the former hypothesis, he could simply *teach error*, and thus err in teaching, and teaching solemnly, which would not be consistent with his Infallibility. The teaching consists in the putting forth

and sufficient publication of a document stating a doctrine, and speaking about it in such a manner as to show the intention of pronouncing formally upon it and exacting its acceptance or rejection. The mere drawing up of the document would not be enough, no matter what diligence had been used. The publication or promulgation is required, and if that exist there is real teaching, and God could not, consistently with His promises, permit this to take place when the declaration made was erroneous. I have spoken of a document, because it is usual to express these statements in writing; but an oral publication, absolutely speaking, would be sufficient.

As a matter of fact, the Roman Pontiffs do not ever formally pronounce on doctrines of Faith or Morals—formally teach the Faithful in a binding way—without mature consideration, without an amount of previous diligence that would seem more than could be required. Therefore what I have said of their Infallibility subsisting in case they neglected the necessary investigation regards a merely possible hypothesis. It may be a question whether God would permit even the truth to be taught in so precipitate and inordinate a manner. But, however that may be, He could not consistently with His promises allow error to be solemnly proclaimed by the Sovereign Pontiff, even through rashness.

CHAPTER V.

THE CHURCH'S LEGISLATION.

THE Church's jurisdiction, like that of any independent State, comprises legislative and executive powers. The Church not only administers the Divine law, but makes laws herself. Some of these are in great measure identified with her administration of Divine law. She imposes on her subjects the obligation of receiving her declarations on Faith and Morals under ecclesiastical penalties. But, besides doing this, she imposes other obligations in connexion with faith and morals. She commands and forbids acts that are not already respectively commanded or forbidden by God. All this she does for the better attainment of her own end, which is the salvation of souls. These laws of the Church are human laws, enacted in virtue of authority received from God, but still human laws, liable to abrogation, mortification, and dispensation, where circumstances may so require, or render expedient.

No society of men can be adequately governed in the temporal or spiritual order by the mere application of immutable principles taken by themselves, or even combined with what are called the positive laws of God, which He has superadded. No doubt, God could frame and promulgate a sufficient code for all purposes, but He has not done so. It is quite true, as I have stated in an early part of this essay, that in any given circumstances, every conceivable action is either commanded or forbidden or permitted by natural law. But, for the practical govern-

ment of men as they are, it is necessary that many things not prescribed or prohibited by any Divine law, natural or positive, should be prescribed or prohibited by human law. It would be easy to explain clearly why this is so, but there is no need of making a long digression for the purpose, as all reasonable men admit that such is the case. I will only observe that those betray captious ignorance who condemn certain ecclesiastical dispensations on the ground that if the acts ordinarily forbidden and exceptionally permitted are bad, they should not be allowed in any instance, as if there may not be things which, though not essentially wrong, it is right should be ordinarily prevented on account of the consequences they may lead to, but which may be sometimes authorized.

The Church dispenses in her own laws only, not in those of God. Nor is the dispensation from vows any exception to the general rule. The Church, in virtue of power received from God, relaxes, for sufficient motives, the obligation which men take on themselves by promises made to the Almighty; but the Divine law commanding that vows should be observed while they subsist is not touched.

The supreme legislative authority of the Church resides in the Roman Pontiff, either alone, or in conjunction with the other Bishops dispersed through the world, or in conjunction with those Bishops who are assembled in a General Council. The Pope, even alone, can and does make universal laws. The Bishops possess a true, but subordinate, legislative power, which is exercised as well by each in his own diocese as by the Bishops of one or more provinces legitimately assembled in synod.

The laws of the Church are not of an oppressive or tyrannical character. They do not tend to restrict commercial enterprise—I mean, of course, among the laity, for

such things are not the legitimate business of the clergy, and are most reasonably interdicted to them. I may observe here that the Church legislates a good deal more in detail as to the conduct of ecclesiastics than as to that of secular persons, whose lives and avocations she does not meddle with beyond what the obvious principles of morality demand. She exacts, no doubt, of the faithful in general certain religious and penitential observances. The measure even of these is not beyond what would be in a manner due from Christians, independently of the intervention of any human law, though the mode and form might be various if not determined by the Church; and without an obligatory determination as to mode and form the substance might be easily neglected. Nay, so far is the prescribed measure from being excessive that those who are seriously solicitous about their spiritual concerns are not content with doing only what is commanded. On the other hand, those who are not well able to conform to the rules laid down, say as to fasting, are not rigidly held to them. But, what I mainly meant to say was, that the Church does not cramp men in their otherwise legitimate occupations. This is true even of the clergy; but the state which they have voluntarily embraced needs a stricter discipline. They are, besides, if I may say so, Officials of the Church; and hence it is no wonder if she watches more closely over them, and regulates their lives more minutely.

Again, the Church throws no obstacles in the way of knowledge, of study, of scientific investigation, though she is charged with doing so. She certainly does condemn and prohibit false doctrine in connection with religion, and she could not omit this without betraying her trust. I will say more of this later on, when I come to speak of the Church's exercise of the function of teaching. All I wish to assert here is that the Church is in no sense an

enemy of learning, that she sets no bounds to the pursuit of it. Many of her most devoted children have been laborious and enthusiastic and successful students in various branches of secular knowledge. She forbids no amount of scientific scrutiny.

More than one motive has been assigned for the Church's supposed enmity to science. It is often said that various Christian dogmas are irreconcileable with principles of reason and with natural facts; therefore, the less there is of sound philosophical argument, and the less there is of physical and of historical inquiry, the better will it be for our religion. Concerning this statement and inference, I would remark, first of all, that it goes not only against Catholicity but against Christianity in general, so that all Christians would have to oppose themselves to the studies of which there is question. Besides, every sincere Catholic believes, as part of his religion, that no possible researches could result in the discovery of any reality at variance with Catholic doctrine, that there is no truly sound argument, of whatever sort, against a single tenet of his religion. Consequently, as the Pastors of the Church have every right to be considered sincere Catholics, this must be taken as their belief also. They know that truth cannot be opposed to truth; that natural truth cannot be in contradiction to supernatural truth; that no genuine discovery can be made which will gainsay revelation. No doubt there may be an apparent antagonism—there may be materials for objections to Catholic doctrine: but these objections will not remain unsolved. A closer examination of their grounds will show that they are far from being conclusive.

I will admit that scientific investigation may sometimes prove accidentally prejudicial to particular students, in a religious point of view. If the persons are imperfectly in-

structed in matters of faith, if their study is superficial, if the work is only half done, still more if they are influenced by a bad spirit, and are more or less looking for arguments against Christianity, if they are perversely directed, it is no wonder they should suffer and become unsettled. But all this is not the fault of science; all this can be guarded against, and it is the duty of the students themselves and of their instructors to guard against it, not by shutting out light but by letting it in more thoroughly. I have said there may be danger casually connected with scientific studies. But this danger does not move the Church to prohibit or curtail them. She teaches, of course, as part even of that natural law which she is charged to explain and inculcate, that the danger should be avoided, as it most assuredly can be, without abandoning or restricting an otherwise legitimate pursuit of knowledge.

That very branch of learning which falls most within the province of the Church, and which her ministers are specially required to cultivate, namely, Theology, is, as all who are acquainted with it well know, concerned largely about objections against revealed truth, objections from Scripture, objections from tradition, objections from history, objections from reason, which have to be fully considered, with a view, indeed, to their solution, but without in the least dissembling their force. Let no one imagine that this is child's play; that there is question of mock difficulties got up for parade, or to render the work more interesting, or to give our doctrines the appearance of being unimpeachable, without the reality. Nothing of the sort. Every nerve is stretched to make the difficulties as strong as they can be made. A Theologian does not suspend his judgment concerning the truth of those dogmas which have been proposed by the Church as revealed by God. He does not for a moment give up a tittle of his

faith, nor wilfully doubt about it. God forbid he should. But he strives his very best to frame arguments as powerful as he can frame, throwing his whole energy into the task, and not stopping to foresee what answer may be given to the difficulty. It will be time enough to see that later. I do not mean by this that objections to Catholic dogmas are published without answers, but that in the process of developing them the Theologian therein engaged gives his whole mind for the moment to the argument on the heretical or infidel side of the question.

Among the objections from reason to which I have alluded are to be classed objections from human sciences, for which objections and for their solutions recourse must often be had to the special treatises or living teachers of those sciences. To these proceedings the Church offers no obstacle. She does indeed proscribe certain books of adversaries to our religion, books impugning the faith, purposely assailing its doctrine—because such books are palpably dangerous to many, and likely to mislead and pervert those who are not sufficiently qualified to grapple with them. For persons who are so qualified exceptions are made, even in those countries in which these ecclesiastical prohibitions are the most insisted on. The principle on which this kind of restriction is grounded must be obvious to every Christian of common sense and middling reflection. On the one hand, the dogmas of revealed religion rest on a thoroughly sound foundation, and their reception is of sovereign importance for salvation; while, on the other, very specious cavils may be directed against them. They may be attacked by reasoning and by ridicule in a way well calculated to disturb our belief, if we expose ourselves to those assaults without sufficient means of defence, without being rightly prepared. Now, the greater part of us are not so prepared.

It is idle to say that the Catholic religion, sincerely accepted and professed, is a guarantee against contrary influences. It is, no doubt, holy and perfect, but its perfection is not of this kind. We have, with God's grace, the power to remain firm in our faith, and we are rigorously obliged to do so. We cannot fall away from it without sin, and from that sin we can preserve ourselves; but one of the means needed for this end is to shun the occasions of temptation. Whatever we do, we shall, or at least may, be tempted; but if this is not of our own seeking, we have every reason to hope for strength and victory. It is quite otherwise if we run unnecessarily into danger. Infidelity is like other sins in this respect. The same holds, too, with regard to natural rules of rectitude, irrespectively of revelation. I say *rules*, that is, not merely may we be allured to vicious practices, but we may be perverted as to the rational notions of right and wrong, of moral and social order and disorder, and this happens too often in our days. Witness the subversive theories that are so widely spread through the world, opposed as much to reason as to faith.

Bad books and other bad publications are the ruin of their readers. Irreligious writings—with which I am chiefly concerned just now—whether directed against Catholicity, or against all Christianity, or against natural religious principles, undermine and overturn in the minds of men whatever complete or incomplete amount of sound doctrine existed there before. Is it then an undue invasion of human liberty to forbid such reading to the generality of persons? This, when and where it is done by the Church, is not done to prevent fair investigation, nor to hide knowledge of the truth, but to guard men from deception and falsehood. It is done to secure their using precautions they would be bound to use otherwise for their own safety.

They are not precluded from studying elsewhere those natural facts and principles which are artfully employed by irreligious men to sap the foundation of faith. Further, the arguments of these adversaries of truth are honestly presented by Catholic writers for the purpose of confutation; I say *honestly* presented without diminishing their force, and I may say incidentally that honesty is not the forte of the adversaries alluded to. Garbling and other kinds of unfairness, not always perhaps intentional, are of frequent recurrence in their productions, a great deal more so than in ours. A Catholic writer may occasionally chance to be unfair, but this is not common, and common it assuredly is, and very common among the assailants of Catholicity and of Christianity.

Besides the imaginary opposition between our dogmas and natural science, another and rather ingeniously devised motive, is sometimes attributed to the Church, for disliking and discouraging studies, which, be it remembered, she does not, as a matter of fact, dislike or discourage, but which her sharp-witted enemies think she ought to abhor. My attention was not long since called to this fanciful motive, by reading an article, which I have not by me just now, in a highly respectable, but not very Christian, journal. In this article it was asserted that a person well versed in science could rarely be a thorough believer in Catholic doctrines. This assertion the writer, of course, undertook to prove; and I sincerely expected to find some of the many objections to our doctrines derived from real or supposed facts or principles. But no; these were scarcely, if at all, dwelt on. The article went on to say, in substance, that such proofs and such certainty as are found in science are not to be had with reference to our religious doctrines, and that one who is accustomed to demonstrative reasoning will not be satisfied with the

imperfect kind of arguments which can alone be brought forward to support Catholic dogmas; and some are specified, among the rest the Immaculate Conception contrasted with I forget what rational truth. So the Church does not like her children to be well versed in science.

Now, I take the liberty of saying that all this is nonsense, and I will add a few words to prove that it is so. First of all, as a matter of fact, very many thoroughly scientific men show themselves to be sincere Catholics, as far as profession and conduct can go, and these are the only grounds on which the fact can be judged of. Secondly, if familiarity with rigid demonstration is incompatible, or nearly incompatible, with earnest Catholicity, no good mathematicians, or but few of them, can be good Catholics, whether they be distinguished in other branches of science or not, and even whether they be proficients or not in the higher branches of mathematics, because mathematics is the most exact of all the sciences, and the lower branches of this science are as exact as the highest. So, all mathematical studies must be, or ought to be, hated by the Church. Now, no man of common sense will pretend that this is the case. Thirdly, those who are the most devoted to science accept as readily, fully, and unhesitatingly as any other men well-established natural facts and other truths unconnected with religion. They allow full weight to human testimony concerning contemporaneous events, concerning past events recorded in history; they admit, like their neighbours, ordinary social principles, without calling for geometrical demonstrations. There is nothing in science to prevent their embracing, with certainty, sound philosophical notions belonging to logic and metaphysics, which really fall within the range of science, and are certainly not at variance with any other branch of scientific studies.

Now, in connection with this last observation, let us consider, in very general terms, what are the grounds of our faith in the dogmas of our religion. We have the strongest historical evidence of outward facts which, rationally viewed, establish the Divine Revelation of Christianity, including the institution of a Teaching Church, which is the organ and instrument of God, appointed to declare to us the details of those truths that were manifested to the apostles, and transmitted by them, partly in writing, partly otherwise. This historical evidence goes to show that Jesus Christ proclaimed Himself the Ambassador of God to men; that He proved His mission by miracles, to which He appealed as the testimony of God with regard to that mission; that in fulfilment of that mission He taught what may be called a system of doctrines on the part of God; that he formed a society to be governed and presided over by those whom He named, and by their successors, for whose continuing succession He provided; that He made those chiefs of His Church the special depositaries of the Divine Doctrines delivered by Him. This historical evidence goes on further to show the wonderful propagation of the Christian religion under humanly adverse circumstances, the immense number of those who testified to its truth with their blood, and so forth. I am not about to enter into the proofs of our religion. I merely call attention to their nature, which is mainly historical, and involves, besides, a few obvious principles to complete the argument—principles which philosophers learn from philosophy, and ordinary, even unlettered, men learn from common sense.

In all this, I say, there is nothing which the scientific man can reasonably take exception to, as not sufficiently conclusive for his disciplined mind. On the contrary, if objections are proposed, his studies, honestly pursued, will

enable him to answer these objections. I may here observe that the motives which militate in favour of Christianity and Catholicity are accommodated to the learned and unlearned, in different ways corresponding to the diversity of their mental position. These motives are in themselves simple, and, with little or no discussion, satisfy the simple mind, which is not well qualified for such discussion. But, to an educated man, difficulties will often present themselves whose satisfactory solution is not wanting and is within *his* reach.

So much for the Christian and Catholic Religion and Church in their generality. Coming now to particular doctrines, such as, for instance, that of the Immaculate Conception named by the writer I have alluded to, they are, no doubt, provable and proved from the records of revelation by the help of reason employed in the investigation. But this process is not necessary for individual Catholics. It is enough for them that the appointed Teachers propound the particular Truths. This is the broad ground for them. What the pastors of the Church declare to be contained in the Christian Revelation is received by Catholics as undoubtedly so contained, and is believed by them on the authority of God, Who has given the Revelation. The pastors of the Church are sure to read Revelation aright, because there is a Divine guarantee to this effect.

When the writer referred to speaks of the proof of some dogma as ill calculated to satisfy the mind of a scientific man, he means either a proof drawn directly from natural sources, or a proof so based on Revelation as to serve for a development of Revelation, showing that the dogma is revealed. If his assertion is to be taken in the first of these two senses, it is beside the question, for we do not pretend that all our doctrines of Faith are thus demon-

strable. We say quite the contrary with regard to many of them, and we say further that no argument from reason, however convincing, is a proper ground for *Faith* concerning the Truth thus established, since Faith rests precisely on the authority of God. If the second sense be the one intended, my reply is that every doctrine which is taught by the Church, as contained in Revelation, can be satisfactorily shown to be really contained therein. But I add that, in many instances, the deduction will not be clear to men not versed in such matters; that, even for those who are versed in them, a very patient investigation and a rather complicated process are necessary; and lastly that, although the deduction is perfectly legitimate and conclusive in itself, it may not bring subjective conviction to every mind, even among Theologians. We know that, in various branches of knowledge, different men think differently on some points, and see things in different lights, each claiming the truth for his own side, and yet, in many of these cases, it may well happen not only that the truth is on one side, as it must necessarily always be, but that the reasons adduced on that side are in themselves altogether valid, though their force is not fully seen by the opposing party. Now, the assistance promised and given by God to the Teaching Church partly consists in enabling those who form this great tribunal to see things in their true light, to perceive the force of those proofs which are in themselves good and genuine, though there may be Theologians who do not realise their efficacy.

The road taken by individual Catholics, learned and unlearned, is plain and safe. They are thoroughly satisfied of the fact of a Divine Revelation, of the institution of an Infallible Church to whose custody this Revelation has been entrusted. For them the voice of the Church is the echo of the voice of God. The proposition of particular

dogmas is not viewed by them under the aspect of an argumentative deduction, but under that of an authoritative announcement of what the Revelation means. In all this there is nothing at variance with science, or with the rights of reason. God is certainly to be relied on, whether He speaks immediately by Himself or by those whom He has Himself told us to hear as His representatives.

I have been led into what may seem, and perhaps is, a digression, though not, I trust, an unprofitable digression. I was speaking of the Legislative Power of the Church, and of the character of her actual legislation, and I not unnaturally took occasion to state that this legislation is not of an oppressive, cramping nature—that it does not hamper men in their legitimate worldly business, nor in their pursuit of scientific or other natural knowledge. So far is this from being the case, that the Church is the decided friend of human industry and of human learning.

CHAPTER VI.

The Church's Legislation (*continued*).

The subject-matter of ecclesiastical legislation, the things with which it is concerned, the extent to which it can go in prescribing or prohibiting those things—all this is to be determined by the Church; not, of course, arbitrarily in the sense of its resting with her to fix for herself what she pleases, but in the sense of her being divinely invested with supreme authority to decide questions regarding her own power, either by formally pronouncing upon them or by her action in framing and promulgating laws. That this is so can be easily shown to any one who has otherwise correct notions about the Church.

In the first place the State, as it is called, the civil Government, or rather the Legislature, claims this prerogative, and does not allow its own competence to be impugned. Our British Legislature, Queen, Lords, and Commons, consider themselves as supreme in this respect. If there is any drawback on this supremacy, any drawback arising out of the Constitution, which may be considered as in some sort above the Legislature, though such drawback is worth very little in ordinary practice—whatever there may be of such a nature involves the idea that what is called the Legislature is not thoroughly complete, that the authority derived originally from the people has not been given by them in its entirety, that some of it still remains in their own hands. I do not wish to digress into a discussion of the principles affecting civil power here or elsewhere. I am satisfied with the broad doctrine that the

State—the one or manifold ruler of a nation—undertakes to guarantee its own power to make those laws which it does make, and assumes to be a competent judge regarding this matter. Without such assertion of itself a State could hardly go on.

To avoid confusion and apparent contradiction later on, I must observe that I speak of the State, at present, abstracting from the Church and from any collision with the Church; of a State, for instance, in which the Church does not exist, or is, though wrongfully, ignored. I speak of the State considered by itself in its own temporal order, and independently of any concurrent real or pretended sovereign spiritual government. Well, then, I repeat, the State decides for itself concerning its own legitimate authority, and acts accordingly, and this is reasonable and necessary. Now, I go on to say, the Church is in its own order a complete, supreme, independent, ruling power; a perfect legislature appointed by God for a certain purpose, invested by Him immediately with all the attributes of sovereignty in that order, and, as I have said elsewhere, not deriving any part of its authority from any other source. The government of the Catholic Church is not *constitutional* in the sense which human politicians attach to the word. It has, no doubt, a constitution of its own, proceeding from the hand of God, but not including conditions dictated by the people nor liable to be modified by any such conditions. From what I have said just now, and said, not as expressing an opinion, but as stating an undoubted point of Catholic doctrine, it follows that the Church is entitled on as strong grounds as the State, and even on stronger grounds, to decide on the extent of its own legislative power, and to act according to its own decision.

But here a difficulty presents itself, which must be dealt

with, and cannot be shirked. The right of the Church and of the State respectively to settle the question of their own authority is plain enough when either has to consider itself alone and its own subjects as such; when one alone is making laws about one set of things, and the other alone about another set of things. But we all know that this perfect distinctness of action does not, and morally speaking cannot, exist throughout all matters of ecclesiastical and lay legislation, though the chief occasion of conflict is to be found, not in the things themselves, but in the aggression of the State and its interference with what is manifestly without its domain; for in strictly sacred concerns it has not the shadow of native right to interfere. I use the phrase *native right* in contradistinction to a right communicated or conceded by the Church. But, to come simply to the point of the difficulty without entering into particular complications, let us suppose a collision between the claims of the Church and the claims of the State, each of which, being otherwise supreme in its own order, differs from the other as to the mutual boundaries of the two powers; which is to be preferred? I say, beyond all doubt, the Church is to be preferred: that is to say, the Church is entitled to insist on the authority which it attributes to itself, and the State is not entitled to resist the Church, to enforce its own views against the Church. I am speaking plainly, at any rate, on this subject. It is one regarding which the truth needs to be told, because there is a great principle involved—a principle, we may reasonably fear, not sufficiently understood or recognised by some well-meaning Catholics.*

* Whoever wishes to have before him a grand comprehensive view of the position of the Church towards the State, with reference to their respective rights, would do well to read the powerful lecture "On Cæsarism and Ultramontanism," delivered by the Archbishop of Westminster, before the "Academia of the Catholic Religion," on Tuesday, the 20th of December, 1873.

I will now try to show briefly, but clearly, that my solution is correct. First of all, there must be some right way whereby to determine which power should yield to the other in cases of collision. This way cannot be physical force—the law of the strongest, though the State is fond of settling matters so. Such is not the will of God. He would not have the decision follow the fortunes of war. The idea is too absurd to be entertained. This way, again, cannot be mere argument, for the process would be endless and inconclusive. This way cannot be the intervention of any third human power, for there is no third power qualified to intervene. This way cannot be compulsory arbitration or compromise, for the same reason, because there is no other party entitled to compel the litigants. I have said *compulsory*, because the two powers may, if they both please, come to an arrangement without sacrificing any radical right.

The only way left is that of authority residing in either of the powers, whose legislative boundaries are in dispute, and to be exercised by that power. Now, I ask, in which of these powers does this authority reside? I say, as I have already said above, *in the Church*. For, in the first place, though the Spiritual and Temporal orders are distinct and, to a considerable extent, independent of each other, still the former is above the latter in dignity and importance; nay more, the latter is to be referred and directed to the former as involving a higher and ulterior end of the same human beings who belong to both. Our principal destiny is the eternal happiness of heaven, which assuredly appertains to the spiritual order. None but infidels can question this position. That power, therefore, which presides on earth in the spiritual order, namely the Church, is entitled to preference in case of a collision of claims. It alone has the right to decide in such a case.

Further, that power, namely the Church, has its commission formally and expressly from God Himself, a special and supernatural commission, far more exalted in its character than any possessed by the State. But what most conclusively completes and clinches the argument is that God has appointed His Church the guardian on earth of His whole Law, Natural and Positive, the supreme expounder of moral right and wrong, and likewise the interpreter of her own charter—her own commission—since all these things belong to that *Divine Religion* with the custody of which she is charged. All this we have already considered, not as anything new, but as a developed setting forth of what we had always known and held in substance, and were bound to hold as sound Catholics.

In truth, no part of what I have just said can be denied without manifestly disfiguring and disjointing our conception of a Divine, complete, consistent Religion, such as genuine Christianity undoubtedly is, and our corresponding conception of the Church wherewith that Religion is indissolubly bound up. Now, if the office of the Church is what I have stated, it is her right, and not that of the State, to determine the legislative boundaries of the two powers.

This right will be frequently ignored by secular Sovereigns and their Ministers, and not only by Protestants but by Catholics, and very foolishly ignored—foolishly, I say, not only because no legitimate prerogative can be wisely disregarded, but because the end which these statesmen have in view, or which they pretend and ought to have in view, is frustrated rather than served by such means. The end is either the maintenance of civil authority, the strengthening of their governments, the security of their reasonable sway, or, on the other hand, the preservation and promotion of well regulated liberty, genuine liberal institutions, and material prosperity on the part of

the people. Now, in all this the Church would sustain them, and all the more effectually in proportion to the amount of her own independence.

The civilisation of Europe, so far as it is true civilisation, is mainly due to the Church, and her principles are the same now as they were when she did that great work, which her enemies have succeeded in spoiling to no small extent. Her principles are divinely derived and unchangeable. They are inflexible in themselves, but flexible in their application, and fit to meet, and duly deal with, all varieties of human circumstances. The Church has always been the friend at once of legitimate authority and of rational freedom. She has always accommodated her action to the real exigencies of times and places. In the long run, her influence has always been temporally beneficial, is still so, and would have been and would be more so, were it not cramped by the mistaken policy of princes.

I know this language will sound like raving in the ears of some; but it is the language of truth supported by history; and whatever discredit it meets with is the effect either of fictitious or falsely-coloured facts, or of distorted notions concerning the temporal welfare of men; I say distinctly *temporal*, and am not talking asceticism. The trite saying—not to be understood quite literally—*Quos Deus vult perdere prius dementat* is, perhaps, nowhere nearer fulfilment than in the case of those who seek to better the condition of society by shackling the Church. I do not pretend, of course, that individual ecclesiasticsn ever make mistakes or commit excesses. They are men, and they go wrong occasionally, and do mischief. But these cases do not interfere appreciably with the wholesome action of the Church, nor do they afford the shadow of a ground for curtailing her prerogatives.

Talking of ecclesiastics, I may advert to an imputation of

pride sometimes cast on them. Now what is the foundation for this? Our nature is infected with this vice. We all have the tendency in a greater or less degree, and most of us yield to it now and then, though not always very much. Ecclesiastics, among the rest, sometimes fail in this respect; and it is not to be wondered at if there have been found in their number decidedly proud men. Any degree of pride is more noticed in the clergy than in others, because, considering their sacred profession, it is more out of place. But that as a class they are specially chargeable with it cannot, I sincerely believe, be maintained with truth. Why, then, I ask again, is the charge made? It is, in my mind, largely owing to their conscientious assertion of the real rights of the Church. Laymen, whether sovereigns or others, are not accused of pride for vindicating their legitimate claims, nay, claims that are often not legitimate, while bishops and priests are so accused because they stand by the prerogatives of their order and of the divinely constituted body which they represent.

The leaders of human society—of natural human society, so to speak—the rulers of the State and their supporters view the Church, if it ought to be at all, as a subordinate and dependent institution holding from the government or from the country any little authority it is suffered to possess. If ecclesiastics protest, as they are bound to do, against this view, if they decline to yield their own position, if they refuse to betray the cause of God, if they defend the rights of Christ's kingdom on earth, they are regarded as presumptuous, as insolently setting themselves up against the State, as grasping a power that is not theirs, and even as rebellious subjects. It is scarcely necessary to repeat what, however, must be remembered at every moment, that the Church is essentially independent of the control of the civil government, that it is literally and strictly a

distinct external *State* or *Kingdom*, as distinct from every secular State as one nation is from another, with this peculiarity that its individual members are simultaneously also subjects of the temporal rulers of their respective countries. The independence and distinction I speak of do not imply a necessary *separation* of the Church from the State. On the contrary, it is most desirable they should work in harmony together and help each other. For this purpose they can and have come to understandings, and have entered into treaties—well known under the name of *Concordats*—in which the Church has shown herself ready to make concessions quite legitimate in themselves, but sometimes perhaps such as would have been better not demanded.

All civil legislation which trenches on the liberty of the Church and violates her independence is unjust, and consequently invalid and of no binding force in conscience. For no enactment that is not just is in strictness a law at all. It is true that in cases of obscurity or uncertainty the presumption is in favour of the authority of an otherwise legitimate superior, such as an absolute sovereign or a constitutional sovereign with his parliament. But the case I speak of is not one of obscurity or uncertainty. There is, besides, a collision between the two powers, one of which, namely the Church, is, on Catholic principles, entitled to settle the question.

It may be asked whether Catholics are ever at liberty to observe the iniquitous laws of which I have just now spoken. I answer that they are, under certain conditions. First of all, the thing commanded must not be in itself wrong—it must not be forbidden by any precept of God or the Church, or else, in the latter case, there must be permission from some competent ecclesiastical authority. Secondly, there must be no compromise of principle, no giving up of the cause of the Church. Thirdly, there must

be no such evil consequences likely to result as would considerably exceed the advantage expected from compliance. The ground on which obedience to an unjust law is allowable under such conditions is obvious. No one blames a waylaid traveller for yielding his purse on the demand of a highwayman, who assuredly has no right to it, and whose order to stand and deliver is clearly of no binding force, nor is the unfortunate wayfarer supposed to acknowledge that it is of any.

I now pass on to speak of the persons who are bound by the Church's laws. The Church legislates for her subjects. Who are the subjects of the Church? Not certainly all men. None but those who belong, in some perfect or imperfect way, to that great body which we call the Church in a more extended sense, and of which I have spoken pretty fully elsewhere. Not, on the other hand, those only who are to all intents and purposes its members. Pius the Ninth, in his now well known private letter to the Emperor of Germany, alluded to his concern with all those who are baptized. His Majesty, as might have been more or less expected, did not recognise the principle involved in this allusion. But the principle is true and certain, for all that, and is neither new nor strange to well-informed Catholics. There is but *one baptism*, and that baptism introduces him who receives it validly into the Catholic Church. Every baptized child is a member of the Catholic Church, and however he may later, culpably or inculpably, swerve from his allegiance to its pastors, he remains subject to their authority.

I do not pretend that every act done by a Protestant in contravention of laws which he knows to be enforced in the Catholic Church is an imputable sin. Even though he be not in what is called invincible ignorance, even though he be guilty of grievous neglect in not inquiring into the

truth of his own religion, which, by the way, we are to remember is, unlike ours, a religion of inquiry ; even although he be violating the obligation to examine the claims of the Catholic Faith, as is often the case—still it does not follow that he is called on in the mean time to observe the precepts of the true Church, not recognized by him as such ; for instance, to keep its prescribed feasts and fasts. But he is, all the time, really subject to the pastors of the Catholic Church, retaining so much of membership as involves this subjection, though not participating in the advantages which Catholics derive from their more thorough membership. He is in the position of a citizen who has revolted against the legitimate authority of the State to which he belonged, and still belongs so far as remaining amenable to that authority, whatever be the degree of actual guilt in either case, and even supposing that the course pursued is a result of excusable mistake.

This statement may perhaps seem strange to some Protestants. Yet a little reflection will show them that it is only consistent with our well-known belief concerning the institution and nature of the Catholic Church—the one Church which our Lord established for all men, not as a voluntary association, but as His kingdom on earth, which all are bound to enter, and no one who has entered is at liberty to leave, which too is entered by baptism, even received in infancy. The Council of Trent most explicitly anathematizes those who should say that baptized persons are free from all the precepts of Holy Church, whether written or otherwise handed down, so as not to be bound to observe them unless they spontaneously submit themselves thereunto : those who should say that baptized infants are not to be computed among the Faithful : those who should say that baptized children are, when they grow up to be asked whether they wish to ratify the promises

made for them in baptism, and that, if they do not so wish, they are to be left to their own discretion in the matter.* I may observe that the actual making of these promises by the sponsors in the name of the children is only a ceremony instituted by the Church to express the obligations entailed by baptism, obligations which exist just as fully without such expression as with it.

People occasionally speak of *the Church of their Baptism*. This phrase is somewhat misleading. It may be understood to imply that this sacrament, as received from the hands of a clergyman of any section of Christians, establishes a special tie with that section. This would be an absurdly false notion. There is really but one Church of the Baptism of all who are baptized, and that is the Catholic Church. A Protestant clergyman or a Protestant layman introduces the child whom he validly baptizes as effectually into the Catholic Church as the Pope could, and into no other. I need hardly tell Catholics that the validity of baptism does not depend on the faith or orders of the person baptizing, providing the sacrament is duly administered. If those who are received into the Church from various sects are, in many instances, or even commonly, baptized conditionally, it is always on account of some doubt regarding the fact of previous baptism or the mode of its performance, as there is often reason to apprehend carelessness in this respect.

To conclude what has to be said concerning the persons subject to the Church's laws, I may add, though the statement seems rather superfluous, that no temporal dignity, however exalted, exempts from the obligation of obedience to them. A king, as such, has no prerogative of spiritual independence, any more than he has of spiritual authority.

* Sess. vii. Dec. de Sacram., de Bapt. cann. viii., xiii., xiv.

CHAPTER VII.

The Church's Legislation (*continued.*)

MARRIAGE.

Among the various branches of Ecclesiastical Laws, one which, more than most others, if not more than any other, affects human society, is that which regards Marriage. There are few subjects, besides, concerning which a greater amount of inaccurate notions is afloat, even in the minds of otherwise well-educated persons. I will, therefore, devote a few pages to some remarks in connexion with it. Every one knows, in general terms, what Marriage is, so there is no need of commencing with a formal definition. Any mistakes there are about its nature will be sufficiently met by what I am about to say,

Marriage is, and has ever been, before and since Christianity, and among all nations, *a contract*, in the strictest sense; as much a contract as the purchase of merchandise, with distinctive peculiarities, of course, such as occur among the various contracts men make, and cause them to be of different kinds. Perhaps the most remarkable of these peculiarities, and the most opposed to the common condition of other contracts generally, is that marriage once entered into cannot be dissolved by the mutual consent of the parties. This contract is of Divine institution, partly through the Natural Law, which even alone would have sufficed to sanction it, partly through positive legislation, from the commencement, confirming, and additionally regulating, it in some particulars. The indissolubility of

Marriage, for instance (such as it was in the beginning, and is now), and the exclusion of simultaneous polygamy, though most conformable to the Natural Law, cannot be referred to that law itself, and taken as part of it *in the strictest sense*, since God Himself sanctioned plurality of wives and also allowed divorce among the Jews; for the opinion of those who say that this latter was only tolerated and not rendered really lawful seems to me untenable. Both things were at variance with the original institution of Marriage, and both have been again eliminated by Christ, who has thus restored the original institution, in these respects, not only for Christians but for all mankind.

Marriage, like other contracts, may be rendered either *void*, when attempted, or *illicit*, though still valid, by certain circumstances which are called *impediments*, and are termed *diriment* in the former case, and *impeding* or *impedient* in the latter. We may take as an example of the first class of impediments a previous marriage still subsisting between one of the parties and some other person. A married man cannot effectually take a second wife. An example of the second is a previous promise of marriage; for, if a man and woman deliberately agree and bind themselves to each other to marry, neither can *lawfully* wed any other while the engagement remains in force. The obligation may, no doubt, cease by consent, or from other causes; but, so long as it continues, it is an impediment, not however *diriment* or invalidating. The marriage contracted in despite of such obligation is a true and enduring marriage.

Marriage, as we have been viewing it, when entered into under proper circumstances, is a perfectly good and legitimate thing, but has not of itself any sacred or religious character. It belongs to the social condition of mankind in the natural order. It may need for its ulterior regulation

the interference of the civil authority. Whether the secular power can or cannot go so far as to institute effectual *diriment* impediments, superadded to those determined by Natural or Divine Positive Law, is a disputed point. There are good arguments, both from authority and from reason, for the affirmative opinion, which is far the more common, though the contrary is maintained by some good authors; but the question is one which I do not at present see any necessity for discussing. My business is with matrimony considered under a different aspect, and in circumstances from which I have so far entirely abstracted.

The Marriage contract was raised by Christ our Lord to the dignity of a Sacrament for Christians, whom alone the Sacraments immediately concern, and who alone are capable of receiving any Sacrament but that of Baptism, by which they are made Christians. I wish my readers to consider attentively the precise meaning of my statement about matrimony. *The marriage contract was raised to the dignity of a Sacrament.* Every Catholic believes that there are seven Sacraments, and that Matrimony is one of them. Every Catholic, if asked whether Matrimony is a Sacrament, would answer: "Of course it is." But it is more than possible that many do not realise the *identity* of the *contract* with the *Sacrament*. The latter may be regarded as merely annexed to the former, and separable from it. This is a mistaken view, a view no doubt taken by perfectly orthodox theologians, and inculpably taken, but which was always false, and is now authoritatively declared to be so. Among the propositions enumerated for reprobation in the celebrated *Syllabus* of errors subjoined to the Encyclical of Pius the Ninth, commencing *Quanta cura*, issued on the 8th of December, 1864, the 66th is as follows: "The Sacrament of Matrimony is something only accessory to the contract and separable

from it, and the Sacrament itself consists in the nuptial benediction alone." The 73rd again is expressed in these terms: "A true marriage may exist between Christians by virtue of a merely civil contract; and it is false to say either that a contract of marriage between Christians is always a Sacrament, or that there is no contract if the Sacrament be excluded." According to the doctrine, therefore, of the Syllabus, the contract of marriage between Christians *is* always a Sacrament, and a contract which is not a Sacrament is not a marriage.

What then, it may be asked, are we to say about the marriage of two baptized non-Catholics? Is it no marriage, or is it also a Sacrament? I reply, undoubtedly it is a Sacrament. But, you will rejoin, they don't intend to receive a Sacrament. Even so, they *do* receive a Sacrament; for they intend *a contract*, which, whether they know it or not, and whether they like it or not, is a *Sacrament*. If they don't intend to contract, they don't intend to marry, and they don't marry; if they do intend by all means to contract, they do receive a Sacrament. It is curious to reflect that of the two Sacraments which alone Protestants generally admit, namely Baptism and the Eucharist, very many succeed in receiving but one, as the want of a true priesthood deprives them of the other; and, for all that, they receive a third, which they decline to admit, with what fruit is quite a different question, but they *do* receive it. I can imagine a thoroughly orthodox Protestant, as he would call himself, recoiling with disgust from the notion that he had received a Popish Sacrament! But he must put up with our imputing this discredit to him.

The Marriage contract, once made a Sacrament, was handed over by Christ to the care of His Church, not merely under its sacred aspect as a Sacrament, but under its moral aspect as a contract, which it continues to be in

the same strict sense that it was before Christianity, and is among Jews and Pagans. The Church has, in consequence, the same authority concerning this contract, which the State has concerning ordinary human contracts; such as buying and selling, leasing, and the like; and more authority than is attributed by some to the State with regard to the Marriage of infidels. The Church has the power of prescribing conditions, the observance of which is requisite, in some instances for the lawfulness, in others even for the validity, of Marriage. In other words, the Church can institute *impediments* of the two classes I have already mentioned; that is to say, *impeding*, as they are called, and *diriment*, impediments. This is no mere inference of theologians, but an expressly defined doctrine.* These impediments directly affect the contract as such, and indirectly the Sacrament.

The Church has no power to prevent a legitimate contract of Marriage from being a Sacrament, any more than she can take away the sacramental efficacy of baptism when the water is properly poured and the prescribed words duly pronounced, with the necessary intention on the part of the minister. But, as the water must be physically genuine, and not so corrupted or so mixed with any other liquid as to lose its character of water, and the words must be physically enunciated in a way to make sense, in like manner the marriage contract, which, in common with all other contracts, has both *a moral* and *a physical* nature, must possess the moral requisites of a true contract, that is to say, it must be in conformity with the laws enacted by whatever authority is competent to legislate on the subject, so far as those laws make certain conditions essential; for a mere *prohibition* does not do away with the contract, which remains valid though un-

* Concil. Trid. Sess. 24, Doct. de Sac. Matrim. can. 4.

lawful. A Marriage, therefore, attempted in despite of any diriment impediment established by the Church is null and void, and, in fact, no Marriage at all.

The Church can, and occasionally does, abrogate and vary her own laws in this as in other matters. She can also dispense from them in particular cases, and she is in the habit of so dispensing. According to the present discipline of the Church, the supreme authority alone, namely, the Pope or a General Council, can institute impediments, at least, those which are diriment; and, for the most part, they can be dispensed from, in like manner, only by the supreme authority, or in virtue of express delegation by it, which is commonly not granted for *all* ecclesiastical impediments, nor for any beyond a limited time or a specified number of cases.

Many hold, as I have already mentioned, that the secular power may institute diriment impediments of Marriage where it is not a Sacrament, as it is not between unbaptized parties. The question naturally arises whether or no the same can be said regarding the Marriage of Christians; for, though it is a Sacrament, it continues to be a contract of the same intrinsic nature as it would otherwise be. It is all that it would otherwise be, and something more. My answer to the question is in the negative, and I consider this answer certain. I am not aware of any definition or strictly binding declaration establishing it in so many words. But the doctrine generally received and uniformly acted on in Rome is to this effect.

I do not affirm that there is any absolute essential inconsistency in supposing that the State could make certain conditions necessary for the validity of the marriage contract as such, notwithstanding that it is also a Sacrament. Hence, this argument: "the marriage contract among Christians is a Sacrament; therefore, the State cannot

institute diriment impediments ;" this argument, I say, though not without force, is not, to my mind, demonstrative. I would attach more weight to an inference from the power which the Catholic Church solemnly and infallibly teaches to belong to herself regarding the contract, and which is scarcely reconcilable with a concurrent authority of secular princes in the same matter. That power appears to imply that the whole charge of the matrimonial contract, under its moral as well as its sacred aspect, has been given to the Church. That power has, beyond all doubt, been given, so to speak, for the sake of the contract as well as for the sake of the Sacrament, and with a view to the moral government of Christians in relation to the contract as such. Now, this moral government requires not only that the liberty of Marriage should be duly restricted, but likewise that it should be duly maintained. The Divine provision made for Christians in this respect would be rendered quite incomplete and insufficient and embarrassed in its operation if secular princes could interfere efficaciously with the marriage bond. But what settles the question absolutely, in my judgment, is a manifest sense of the Church on the subject, which is not materially affected by the views of some otherwise respectable writers. It is quite certain that no Marriage is or would be reputed invalid or dubious by the Roman tribunals on the score of conflict with any civil enactment.

I have been speaking all through of the Marriage bond which makes the parties really man and wife. The State, no doubt, has authority to deal with civil adjuncts of the contract relating to succession and property.

Marriage, be it remembered, is but *one* contract. It may be called *natural*, or *civil*, or *sacred*, on account of its different bearings. But there cannot be one true contract of Marriage distinct from another true contract of Mar-

riage between the same persons. They are either man and wife in the eyes of God, or they are not. If they are, there is no other contract of Marriage left for them to enter into. If they are not, they have made no Marriage contract. There may be a preliminary contract of promise to marry; there may be collateral contracts about other things before or after the Marriage; there may be conditions present or wanting for certain effects; but the Marriage contract is one and indivisible. It may seem superfluous to say all this, but the confusion of ideas that exists, and which is partly due to perverse views put forward for a purpose, renders extreme explicitness expedient.

There have been, and still are, serious conflicts between the Church and secular governments regarding Marriage, especially with reference to what are called *Civil Marriages.* Among Ecclesiastical diriment impediments, one is that commonly called the impediment of *clandestinity.* The Council of Trent enacted a law requiring, as a necessary condition of the validity of Marriage, that it should be contracted in the presence of the Parish Priest of either of the parties, or another priest delegated by him, and two witnesses.* The place of the Parish Priest can be taken also by the Bishop or the Vicar-General, or the delegate of either. So far as this law is concerned, the mere *presence* of the Parish Priest (with two witnesses) suffices, without his pronouncing any words or performing any ceremony. He is but a specially-qualified witness. The Council expressly provided that this new enactment should not take effect in any parish till thirty days after its promulgation *in that parish.* There are some countries, and among them England and Scotland, in which it has never been published, and down to the year 1828 the same was the

* Sess. xxiv., Dec. de Reform. Matrim. cap. 1.

case in the dioceses of Dublin, Kildare, Ferns, Ossory, Meath and Galway.

Mixed Marriages, as they are called—that is, Marriages of Catholics with Protestants—are exempt from the diriment impediment of clandestinity in Ireland and some other countries where the decree of the Council of Trent establishing this impediment has been promulgated in every parish, and has full force as to Marriages between Catholics. Mixed Marriages are, however, *prohibited* by the Church, and cannot be *lawfully* contracted with or without the presence of the Parish Priest and witnesses, unless a dispensation has been previously obtained, and unless the conditions prescribed in the granting of the dispensation have been fulfilled. The ground of the prohibition is the danger to the faith of the Catholic party and of the future offspring. Notwithstanding the dispensation and the fulfilment of conditions, the priest who assists is not allowed to perform the ceremonies directed to be performed in a marriage of two Catholic parties. Mixed Marriages are often objectionable, even when permission is given for them, because the mischief naturally incidental to them is, after all, not thoroughly got rid of. I may add that difference of religion—that great and essential difference which exists between Catholicity and every kind of sectarianism—is not calculated to promote the happiness of a union the closest and most lasting there is between human beings on earth, and which is held up to us as a lively image of our Lord's union with His Church. It would be a very wholesome thing if Catholic parents held firmly, and brought up their children to hold, that Marriage with non-Catholics was a thing not to be thought of, a thing that ought to be quite out of the question. I do not pretend that this would in every instance effectually prevent the evil; but assuredly it would do so in many cases. Years ago the question of

Mixed Marriages was made a cause of quarrel with Catholic bishops and priests by the Prussian government, long before the latter reached the perfection it has lately attained as a persecuting power.

From what has been said about the impediment of clandestinity, taken in conjunction with a preceding statement as to the inseparability of the Marriage contract of Christians from the Sacrament, it will easily be understood that the priest who performs the nuptial service, and is said to *marry* the parties, is not the minister of the Sacrament. This is so. The priest is the representative of the Church, and exercises a holy function with regard to the Marriage. But the parties themselves who enter into the contract thereby effect the Sacrament and mutually administer it to each other. The contract is identified with the Sacrament, and whatever constitutes the contract constitutes the Sacrament, and those who *make the contract* also, if I may say so, *make the Sacrament*. Whatever opinions have been held by comparatively few—though their absolute number is not very small—whatever opinions, I say, have been held at variance with the doctrine just stated may be now fairly considered as no longer probable.

By *a Civil Marriage*, to which I have alluded, is meant a form of Marriage gone through before an official appointed by the Civil Power for the purpose, and whose presence, without that of any ecclesiastical person, renders the Marriage legitimate in the eyes of the law. Wherever the parties are not liable to be affected by the diriment impediment of clandestinity, and have the intention of then and there contracting matrimony, the form thus gone through is a true and sacramental Marriage, which, however, does not owe its validity, in any degree, to the presence of the authorized official who assists at its celebration. Wherever, on the contrary, there is question of two Catholics in

a place in which the Decree of Trent has been published, there is neither contract nor Sacrament. The parties remain single as they were before, and if they live together they live in sin. All this is, of course, very bad. Civil Marriage becomes a legal protection for concubinage, and an incitement to it. Catholics who content themselves with this process, if tolerably informed in religious matters, *know* that they are not married, though they have the civil advantages of Marriage.

The case may be even worse than this. There are, perhaps, other diriment impediments in the way, which the State does not recognize; and although these do not render the marriage more invalid, since there can be no *more* nor *less* in the matter, still they easily render the position of the parties more unfavourable. They cannot go back or forward. In this, as in other cases of merely Civil Marriage, they cannot leave each other and marry other parties without the legal offence of bigamy, besides other evils, to avoid which they would be sometimes obliged, even in conscience, to remain together *if they could*. They cannot cure the evil by calling in the Parish Priest, because though a new contract in his presence and that of two witnesses would put an end to the clandestinity, it would not dispose of the other impediment, which can be removed only by a dispensation; and this requires time, and need not be granted at all by the Church simply because the parties have put themselves wilfully in a false position, and hardly ought to be granted if a Civil Marriage was used as a means of extorting it. This particular evil result of Civil Marriages may occur, as is obvious, even where the impediment of clandestinity does not enter.

If the State wishes to have satisfactory proof of Marriage, and declines to recognize any matrimonial contract without satisfactory proof, well and good. This is all fair and

reasonable, and can be abundantly provided for by exacting certain legal formalities, which shall not, however, by themselves hold the place of Marriage. From what has been said, it is easy for any one to understand why the Church reprobates the introduction of Civil Marriage, as substituted by the State for the ecclesiastical celebration, more especially where the government is supposed to be Catholic, particularly, but not exclusively, in places in which the law of Trent concerning clandestinity has been promulgated. I say *not exclusively*, because it is quite against the discipline and mind of the Church, and at all times was so, that Matrimony should be contracted between Catholics without the presence of a priest and the performance of certain religious ceremonies.

In some countries the State authorizes the dissolution of previously valid Marriages on certain grounds, which are conceived to afford a sufficient motive for such dissolution. This mode of proceeding is at variance not so much with the laws of the Catholic Church as with her doctrine. The divorced parties, if really married before, are looked on by her as still bound by the nuptial tie, and any fresh engagement she views as simply adulterous. This state of things she detests, deplores, condemns in all, but more urgently forbids those who profess to be her children to avail themselves of it.

CHAPTER VIII.

The Church's Executive Power.—The Clergy.

I HAVE said* that the Church's jurisdiction, like that of any independent State, comprises legislative and executive powers. I have dwelt on the legislative power as much as I think necessary for the present, and will now go on to speak of the executive and, along with it—so far as they may be distinct—the administrative powers of the Church. Before proceeding further, it is well to observe that in the whole subject which I have undertaken to treat of—*the Relations of the Church to Society*—I have in view the rights and the action of the Church as they are in themselves, and as they ought to be regarded by Catholics on Catholic principles, and as they ought, indeed, to be regarded by all men, because, according to the intention of God, all men ought to be Catholics. I do not deal, unless sometimes incidentally, with what may be called the merely human and civil claims of the Church on rational and social grounds, which are supposed to be common to Catholics and non-Catholics, or even non-Christians, and which abstract from the Divine origin of our religion. No doubt, the Church does possess such claims, and they are most justly put forward and maintained against Protestant and infidel adversaries and persecutors, whose unfairness and inconsistency are demonstrated, and, to use a familiar expression, shown up, by able champions of the Catholic

* *Ante*, p. 54.

cause. But this does not come within the scope I have proposed to myself in these papers. The observation I have just made will serve to account both for my passing by certain arguments which it might otherwise seem I ought to employ, and for my asserting freely, and without discussion or proof, rights that assuredly are not conceded by the enemies of our religion.

The executive department of Church authority, like the legislative, is primarily conducted by the Roman Pontiff, and, under him, by bishops and other ecclesiastics, and, in some details, by laymen. It is regulated to a considerable extent by fixed laws, as is the case in the civil order under secular governments; but this does not interfere with the distinction between its functions and those of the legislative department. The acts appertaining to the executive are of many kinds, and need not be enumerated. Among them are appointments to offices, removals from offices, the establishment and maintenance of tribunals, the trial of causes, criminal, or—as we may call them—civil, the punishment of offences, the granting of dispensations. Financial matters, the arrangement and management of ecclesiastical property, and some other things may be referred to the administrative department, which there is no special occasion for distinguishing from the executive.

Viewing the end for which the Church has been established, namely the salvation of souls, I consider that the works of the clerical ministry belong to the executive or administrative department of the Church's *government*. In truth, the clergy are the spiritual rulers of the people. All their preaching and teaching, all conferring of sacraments, and other sacred actions done by priests, fall within the range of ecclesiastical government. All these functions, to be quite legitimate, and some of them even to be valid, pre-require authorisation, and imply the exercise of some

sort of jurisdiction. It may seem strange to speak of these things as *governmental* proceedings, and I am not very solicitous about their being looked on as such, since the admission or rejection of this view does not alter their connection with my subject, as, in every supposition, they appertain to the Church, and their relations to Society are among the Church's relations to Society. Still, I will make one or two further remarks in support of my opinion as to their character.

Certainly, every parish is a distinct and appreciable portion of ecclesiastical territory. The Parish Priest is the immediate spiritual head and governor of the district. He cannot make laws properly so called, but he is charged with the care of the souls of all the inhabitants of the parish; he is the *pastor* of all those persons, as *truly* the pastor as the bishop or the Pope, though *not in the same degree*, nor possessed of the same authority. As the head, and governor, and pastor of that community, he performs all the kinds of sacred acts that the members need to have performed in their regard. These acts all enter into the fulfilment of his office as spiritual ruler of the parish. None of these acts can be done in the parish except by him, or dependently on him, or dependently on a higher pastor and spiritual ruler, say the bishop of the diocese, or the Roman Pontiff. These acts never fail to be *pastoral acts*, though allowed to be performed by persons who are not pastors, but always are representatives and delegates of *some* pastor. As the government, then, of the whole Church is pastoral, and consists in the exercise of pastoral authority, and as this pastoral authority is continuously ramified down to the most ordinary sacerdotal ministrations, there is good reason for saying that such ministrations enter into the executive department of Church government.

It is not my intention to treat distinctly of all the details of the Church's executive and administrative action. I will confine myself to a few more important points appertaining to it. First of all, it will be well to consider the position of *the Clergy* towards Society. I have already said all there was need of saying about the general nature of the spiritual powers of bishops and priests, the origin of those powers, and the modes of their transmission.* The question I am taking up now is how bishops and priests stand in reference to Civil Society.

The clergy are individually, like other men, members of civil society. They are citizens of their respective states. The quality of citizens, derived from their origin, is not extinguished by ordination. They have the same rights as their fellow-subjects. Their exercise of these rights may be restricted, in its substance or in its mode, by ecclesiastical law or by the circumstances of their sacred calling. All reasonable men will agree in admitting those two things, namely—first, that bishops and priests are, not alone legally but likewise morally, entitled to take some share in political and other merely temporal affairs, a greater or less share according to the requirements of the public good, in various times and places; and secondly, that, on the other hand, this is not their principal nor most appropriate sphere of action; moreover, that they must be careful not to prejudice either their own spirit, or the due amount, or the usefulness, of their ecclesiastical ministrations by their interference in secular concerns. Where the line is to be drawn, in every given case, must be left to their own conscience, and to the permanent or temporary regulations of competent ecclesiastical authority.

The clergy *as such* are entitled to hold a respectable position in society on several grounds. They are educated

* *Ante*, pp. 30 and 31.

men, men often of considerable learning, and generally of much reading and knowledge, systematically trained in several branches. They are sometimes taunted with want of refinement. Wherever this defect exists, it is certainly not attributable to their calling, the tendency of which is in the opposite direction, and it does not exclude or negative either moral worth or extensive and solid mental acquirements, which are of more importance than a polished exterior bearing, though this has its value too, and is to be desired. I need not add that refinement of feeling, refinement of charity, and sympathy, and virtue, count for much more than a certain outward finish that is often found in very unreliable and unamiable men. Priests are, in a perfectly true sense, professional men, charged with the performance of serious and difficult duties which pre-require special studies of fully as high an intellectual character as those of persons engaged, for instance, in legal or medical practice, even abstracting from the peculiar holiness and supernatural dignity of the office to which the clergy devote themselves. I shall have a word or two more to say on this point a little later.

Further, the Church, considered in its more extended sense, is a vast spiritual kingdom or empire, distinct in form, constitution, and origin from secular States, and holding a high position on this earth. Bishops are so many princes of this empire. Cardinals are, indeed, specially called princes of the Church, on account of their immediate relations with the Sovereign Pontiff, and their consequent habitual charge of the affairs of *the whole Church;* but bishops are, nevertheless, truly princes of the Church. Priests occupy an important place as its subordinate rulers. These circumstances, viewed under the aspect of personal prerogatives, give to prelates and to the rest of the clergy, in merely civil society, a certain rank and dignity analogous

to that which the people of one nation recognise in the more prominent citizens of another. The Church, in her turn, acts on this principle in the respect she shows to distinguished laymen on occasion of their presence in her temples.

All I have just said is true, because the Church is a genuine and a great independent kingdom. All I have just said is true, but it is not the whole truth. I should be sorry to insinuate that the clergy *as such* are isolated with reference to Civil Society, that the clergy, as such, are merely respectable strangers. This is very far from being the case. Suppose a nation exclusively composed of Catholics—as every nation was intended to be, and ought to be—or take, in its place, what is more real, the Catholic body in any country. This body, this community, consists of one set of human beings who are at once citizens and members of the Church. They need and they possess government, direction, protection, assistance in the temporal order as citizens, in the spiritual order as Christians. They are governed, and directed, and protected, and assisted, in both orders respectively, by two classes of authorized and qualified persons. All these persons of both classes are equally officers or officials of the same community. The clergy are the spiritual officials, entering as much as any others into the framework of that one undivided community of citizens and Christians.

This view of the relation of the clergy to Civil Society must not be distorted into regarding them as officials of *the State* or government. The secular and ecclesiastical powers meet in God, not in the Crown. He is equally the original author of both. He is the Supreme Ruler of the human race, and of every part of it, in every order. Each of those Catholic communities which we have been considering is one with reference to Him. Its king or other

single or manifold head, its magistrates, its temporal functionaries of all kinds and degrees, and its prelates and priests are, all alike, *His* delegates, and it is thus they come to be, all alike, *its* officials.

To sum up, then, what I have said of the position of the clergy as such towards Civil Society, they are entitled to hold, and they do hold, a respectable place in Civil Society, as educated and professional men, as the nobles of Christ's kingdom on earth, as necessary and important officials of the social community to which they belong in their respective countries, whether that community be coextensive with the nation or not.

I have spoken of the clergy as *professional* men. The question at once arises—what is the nature of their professional studies and knowledge? Like other professional men, they are supposed to have received, and they ought to have received, a liberal education in branches not specially belonging to their particular vocation; and as a matter of fact they all have, in a greater or less degree, received such an education, and the more perfect it is the better. It is occasionally said, and truly, that a lawyer, for example, or a physician, ought not to be a *mere* lawyer or physician. In like manner, the Church does not wish her ministers to be *mere* priests. But the question I have suggested is not about their general education, but about that which is precisely professional. The answer is that their special business is with *Theology*. This term is very comprehensive, and, taken in its fulness, stands for the whole range of sacred science. I have no intention of enumerating, much less of attempting to define or describe, its various branches. I will confine myself to one which comes more in contact than the rest with civil society as such, and this is what we call *Moral Theology*. I have already said, elsewhere, and not in a passing way, that the

Catholic religion comprises the whole law of God, whether *natural* or *positive*—that is to say, freely superadded by the Supreme Legislator. Far the greater part of the Divine precepts whereby we are bound belong to natural law, and are promulgated by our natural reason, though re-enacted, partly in general, partly in particular, through revelation. Among the articles, too, of this comprehensive code is one which imposes the obligation of obeying all legitimate human superiors, and fulfilling *their* just precepts. Hence, *all* the conscientious duties of men enter into the Christian religion. All these duties fall likewise within the range of Moral Theology. Catholic ecclesiastics, therefore, are professionally *Moralists* in the widest and fullest sense of the word. Universal morality is as strictly the professional concern of priests as British municipal law is of British lawyers, as medicine is of physicians, and so on.

It is, of course, admitted on all hands that a man of any calling may wilfully act against the principles belonging to it, or may unwilfully err concerning their application. A barrister or solicitor may break the law with his eyes open, or may mistake it; a physician may knowingly eat unwholesome food, or may, with the best intentions, order a wrong medicine. So, too, may a priest commit sin, or unwittingly give an incorrect decision, and, in either of these two contingencies, the course he takes may happen to be accurately judged of and condemned by a layman. Nay, more, there are possibly laymen who are better informed on moral, or even dogmatic, Theology than some priests. But, as a general rule, professional men are more competent than others to pronounce on matters that belong to the special branches of knowledge they are respectively supposed and required to cultivate. It is quite true that all ordinarily-instructed persons know more of the goodness and badness

of actions than they do of law, or medicine, or architecture, or navigation. But it is equally true that moral doctrine is a difficult and complicated subject of study, as all those who apply themselves to it, even in a middling degree, soon come to understand.

Yet men of the world, not apparently qualified by the particular character of their education, pronounce with wonderful confidence on moral questions, sometimes even on those which are, more or less, sacred. A salient specimen of this sort of assumption was Victor Emmanuel's preaching to the Pope. The same kind of thing is done on a smaller scale by smaller men of all countries. They take a peculiar pleasure in criticizing priests with reference to moral obligations. The principles of these men are not always the soundest. Their tone, however, is decided, and occasionally exhibits the complacency of conscious righteousness. Their display of virtuous indignation and their rigorous exaction, even though excessive, might be creditable, if everything else tallied. I am far from denying that those who are the very opposite of models for imitation ought to condemn and punish wrong-doers, where duty so demands —only it is to be regretted that such duties should be cast on such persons—but unnecessary moralizing does not become them.

What is more provoking is, that laymen often seem to look on themselves as *the* proper persons—just because they are laymen and not ecclesiastics—to decide on points of natural morality. They appear to consider the rational rules of rectitude to belong rather to the world than to the Church. It is quite possible, indeed, that these men will be specially severe towards an ecclesiastic whom they find tripping in such matters, on the ground that *he* ought to know better. It would be a pity to miss that stroke! Yet all the while they are, in their own eyes, the great

doctors of Natural Law—not that they commonly call it by this name, which, perhaps, they do not well understand, but it is in reality the thing they mean. The duties of men as men, and as members of society, are *their* province. Priests are not sufficiently acquainted with secular concerns—their business is with articles of faith and religious ceremonies. No doubt, I say, secular concerns *as such*, without reference to their moral bearing, are not the proper province of ecclesiastics *as such*. But all conscientious obligations *are* their proper province, and there is no kind of secular concerns which is not much interwoven with conscientious obligations; and, so far as secular concerns are interwoven with conscientious obligations, they enter into the professional studies of ecclesiastics, and consequently must, according to the rules of common sense, be better understood by them, under this respect, than by those who have never studied them under this respect.

CHAPTER IX.

The Clergy (*continued*)—Confession.

It will be worth our while to consider a little further, though still briefly, what is meant by *Moral Theology*. It is a branch of sacred science, having for its subject-matter all the obligations of Christians, natural and supernatural. It appeals concerning *both* these classes of duties to Scripture and Tradition, and the Teaching of the Church. It appeals also, and largely, to reason, regarding the former class, and it *uses* reason in deducing and developing the latter as well as the former. It takes its materials—so to speak—from all departments of Divine and human law.

The chief difference between Moral Theology and Moral Philosophy, in the way of dealing with natural obligations, which alone are common to both, consists in this, that Moral Theology has direct and express recourse to revelation and to ecclesiastical authority, while Moral Philosophy confines itself to merely natural sources of knowledge and natural grounds of argument, though teachers and learners of Moral Philosophy are obviously bound to guard themselves against straying into doctrine that may be at variance with Christian principles. No such doctrine, of course, can be true in Philosophy, since truth is one; and those fell into a monstrous error who said, as some did, that the same proposition may be true in Philosophy and false in Theology. Moral Theology is not controversial; that is to say, it does not concern itself about disputes on moral points between Catholics and non-Catholics. These

are carried on elsewhere. Hence, the Moral Theologian, as such, is satisfied with the decision of a Pope or a General Council, and does not take the trouble of vindicating it. Nay, even less solemn Roman answers and solutions are accepted as practically sufficient to settle moral questions.

The object and end of Moral Theology is to guide the clergy, and, through them, the laity, as to conduct. Therefore, unless its principles and doctrines are made to reach the details of human actions—even of ordinary every-day actions—considered as good or bad in the eyes of God, its aim is not attained. It may be said that an intelligent person, well furnished with the principles and doctrines of this science, will be able to settle for himself and for others all that needs settling, whether great or small. Whatever be the abstract value of this statement, which may be true of a very intelligent man very well provided with principles, it is, as a rule, practically necessary to study not only the principles and leading propositions, but their application also, not to all possible circumstances, for this would be impossible, but to a great variety of circumstances, partly in order to be prepared for these circumstances when they occur, partly in order to acquire a facility of dealing with details. In other words, Moral Theology must comprise the consideration of particular *cases*. Hence comes the term *Casuistry* applied to Moral Theology, or rather to a portion of it.

Casuistry sounds ill to some. A *casuist*, like a *Jesuit*, is in their minds a suspected person; and, indeed, Jesuits are charged with being casuists in an uncomplimentary sense. Yet, the real meaning of casuistry is something innocent enough. It implies, as I have said, the study of *cases*—a useful and necessary study. But an invidious sense has been attached to the word, pretty much as has

occurred with reference to the phrase *special pleading*, which denotes a most legitimate incident of English law proceedings, but is occasionally made to signify a sort of chicanery. Casuistry is taken for something similar.

The notion involved in this secondary sense of casuistry is, either that all close investigations of moral questions as applied to practice is unnecessary and noxious, or that this investigation, though perhaps in itself useful, is commonly carried to excess and applied to bad purposes. Neither notion is correct. In the first place, it is clear that the moral obligations of men regard particular circumstances, and are affected and varied by particular circumstances. This is illustrated in courts of law, where independently of mere technicalities—which, however, are not to be despised—the most refined and complicated reasonings are employed about the substance of rights and wrongs. It is illustrated, too, from the views taken by experienced men of business, and by ordinary citizens, concerning fairness and unfairness, and duties and liabilities. Now, if the obligations exist, it cannot be superfluous to endeavour to ascertain them. Nor can this be mischievous if the work is rightly gone about. There is no need of all men being theologians, as there is no need of all being lawyers; but it is most desirable that there should be some to whom recourse may be had in cases of difficulty. As to excess or perverseness in casuistical pursuits, such faults may occasionally occur, but they are far from common, and scarcely ever intentional. It is easy to laugh at what are called fine-drawn distinctions. But it so happens that those who indulge most in this ridicule know little of the subject, and are not commonly remarkable for their observance of obvious moral obligations.

Moral Theology is specially required for the administration of the Sacrament of Penance, concerning which I

propose now to make some remarks. It is a doctrine of the Catholic Faith that this sacrament was instituted by our Lord, and an obligation imposed by Him on all who should have sinned grievously after Baptism to receive it. For this purpose, they must confess all their mortal sins to a duly authorized priest with sincere sorrow and a firm purpose of thereafter abstaining, at least from all mortal sin. The confession of venial sins is useful and customary, but not commanded. The sinner who presents himself in the tribunal of penance is his own accuser and his own advocate: his own accuser as to his sins, his own advocate as to his dispositions. The priest is a judge delegated by Christ and holding the place of Christ in that tribunal. He is also a spiritual father, physician and doctor or teacher. The language I am using is that of Theologians, not merely of ascetical writers. Theologians distinguish these different offices of a confessor, or rather parts of the same office.

The priest must listen attentively to the penitent's spontaneous statement, supply its deficiency by means of opportune questions, and form an estimate of the guilt of the transgressions declared; he must likewise ascertain the dispositions of the penitent; that is to say, his sorrow and purpose of amendment. Where these dispositions are found to be wanting, or are not sufficiently shown to exist, the person cannot be absolved. The priest would violate his duty by attempting to forgive, on the part of God, one who is devoid of the requisites which God has prescribed. From this brief statement, which does not go beyond the doctrine of the catechism, it is manifest that the priest must insist on the penitent's consent to comply with whatever serious obligations are clearly enough incumbent on him. For, assuredly, any one that declines to comply with such obligations cannot have a genuine sorrow for his past sins, and, if possible, more obviously

still, he cannot have the purpose of avoiding sin for the future.

Suppose, then, the person owes a debt and does not show himself inclined to pay it at all, or within a reasonable time, the confessor must admonish him and require that he should resolve to discharge this duty. Suppose, again, that the person has injured another in some way, has unjustly invaded property or character, he is, of course, bound to repair the loss he has caused, so far as this is in his power. The obligation of making restitution for goods unlawfully taken or destroyed, or fraud committed in business, will hardly be controverted by any class, at least of Christians. The same holds good in cases of defamation; I don't mean as to pecuniary compensation, where no pecuniary loss has been sustained, though the law of the land most justly awards such compensation, but as to reparation of character where it can be made. There are other serious obligations, too, of doing or omitting things, all of which obligations, where they exist, must be fulfilled, or their fulfilment sincerely undertaken; otherwise the parties concerned cannot be reconciled with God. When they are declined, the priest must withhold absolution.

No amount of sin committed is a bar to absolution when there is true repentance, which repentance, however, includes the determination to discharge all seriously binding duties for the future, whether those duties are connected with past transgressions or not. Well, then, as I have said, the priest must *refuse absolution*, when this determination does not appear to exist, and so far he must enforce the duties *by refusal of absolution*, or *under pain of a refusal of absolution*. These are forms of expression that mean the same thing. Further, the office of a confessor requires that he should inform the penitent of the existence of obligations, which really exist, but of which

the penitent may be only imperfectly or not at all aware, as easily happens with ignorant persons, or even with persons who are not ignorant in other matters. If the penitent thus informed refuses to do his part, the confessor's hands are tied. I here state the broad and simple doctrine of Theologians and of the Church. As I am not writing a treatise on the Sacrament of Penance, I abstain from entering into further details with regard to the rules of prudence to be observed by a confessor in instructing penitents and enforcing obligations.

A confessor has no right to exact of the penitent by a threatened denial of absolution any act or omission to which the penitent is not otherwise objectively bound. He has no right to compel the penitent to do what he—the confessor—merely chooses, whether for the spiritual benefit of the penitent or for any other end. The only thing which the priest has the power to determine for the penitent, and require of him, is what is called the sacramental penance, consisting in some penal works imposed by way of satisfaction to God for the sins committed, and which are generally prayers to be recited, sometimes fasting or alms. In imposing this penance, regard is, or ought to be, always had to the person's spiritual strength or weakness, and is often had, too, to the person's particular spiritual necessities, whence it is in such cases called *medicinal*.

I will now stop to ask whether, in what I have said of a confessor's exaction of the discharge of duties, there is anything that any Catholic or any reasonable Protestant can condemn. I know that Protestants, at least generally, deny the Sacrament of Penance altogether, and deny the necessity of confession, which many object to being practised at all. But, supposing that Christ has appointed ministers on earth to act as judges in a tribunal of

conscience established by Him, wherein sinners are bound to manifest their own guilt with a view to being delivered from it by the sentence of these delegates of Christ, are the principles I have briefly explained, as those which guide priests in their bestowal or refusal of absolution, fair and rational, or are they not? Is there anything wrong or repugnant to reason or religion in the discharge of their office, as I have described it?

Let us see. First of all, we are, I suppose, all agreed that sins are not forgiven without repentance. If there be any professing Christians who would dispense with this requirement, I am not talking to them. Indeed, the chief charge made against us Catholics in this particular is that we do not sufficiently insist on repentance, and that we, in some sort, substitute sacerdotal absolution for it—a most unfounded charge, no doubt, and refuted by the plainest teaching of our Church to the contrary. Well, then, we are agreed that repentance is required. Consequently, it is the confessor's duty to ascertain, as far as he can, whether this exist or not. Secondly, true repentance, besides sorrow for the past, contains the present rejection and renunciation of sin for the future. A man who should say, "I am supremely sorry for having offended God, but I am not prepared to give up offending Him," would be looked on even by an honest pagan as talking impious nonsense. Thirdly, whoever refuses to fulfil a serious duty sufficiently proposed to him is not prepared to give up offending God; for the neglect of such a duty is a grievous offence to God. Fourthly, a Christian has no ground for complaining that his obligations are manifested to him when he chances to be wholly or partially ignorant of them. On the other hand, a minister officially charged by Christ with the spiritual care and cure of a sinner must, in all consistency, be charged with the direction of the same

sinner in matters of plain duty, and this is besides part of the doctrine of the Church concerning the office of a confessor. Lastly, as the person who refuses to comply with his obligations is not a repentant person, he cannot receive the remission of his offences from the minister of God.

The manner of proceeding, then, which I have described is the only one consistent with reason or faith, supposing the institution of the Sacrament of Penance.

I may, perhaps, be asked why I have dwelt, not indeed at great length, but at some length, and with a certain degree of minuteness, on the duty of confessors, and what the whole thing has to do with my main subject. The question is a fair one, but easily answered. All transactions and dealings between men and their fellow-men, all fulfilment of obligations of one towards another, are so many social concerns, and, consequently, all influence of the Church or its ministers, as such, in these matters, belongs to the relation of the Church to human society. Now, it is manifest that the action of confessors in insisting on the right conduct of their penitents in their transactions and dealings involves this influence. The particular reason I have for referring to such action is that it may be, and sometimes is, qualified as *undue influence*, and the reason why I extend my appeal to Catholics, asking *them*, too, whether there is anything to condemn in it, is because Catholics are liable to entertain inaccurate views on the subject, views which in *them* are at variance with the religion they profess. Certainly, if what I have set down as the proper course to be followed by priests be undue influence, there is nothing left for us but to say that undue influence is part and parcel of the Catholic Religion.

But the influence is not *undue*. The clergy are authorised guides in matters of conscience. It is possible, no doubt, that a priest may abuse this influence. There is

nothing so good that it may not be abused. But there is no solid ground for thinking that this often occurs. Besides the presumable uprightness of those who devote themselves to this sacred office, there is the knowledge that their decisions may be reviewed by other priests to whom the penitent will perhaps submit them. It is possible, likewise, I admit, that confessors may make unintentional mistakes. So might the penitents, if left to themselves, and more easily. They might make mistakes of judgment from ignorance, they might make mistakes of practice from unwillingness to do some painful things. The confessor's intervention often serves to obviate both these defects. On the whole, and in the long run, a fair-minded Protestant would have to admit that this influence of priests is calculated to promote fidelity to duty on the part of those whom they direct.

The motives of the men who condemn the confessional are various, and need not be introduced here. I will merely observe that among these motives one which operates on the minds of some, and which they more or less avow, is that the doctrine and practice are, they conceive, opposed to natural independence and English freedom, and are, therefore, not to be thought of. The Almighty had no business to institute such things, and of course did not. These men would not like to be driven to say that if He had, yet they would refuse to submit. Still they are impatient of any yoke save what is purely human, and often enough, of that. Serious religious restrictions of any kind they do not relish nor thoroughly understand. They are hardly Christians at all except in name, and sometimes not even in name. When I appeal to Protestants, it is not to such as these, but to those who sincerely recognise God and a Divine Revelation.

To return now to the priest's necessary guidance of

penitents, his exaction from them of a resolution to act as they are bound to do—this extends itself to all sufficiently ascertained obligations. There has been a question raised about such exaction with reference to voting at parliamentary elections. Can a priest legitimately insist on the giving, or at least the withholding of a vote? I should say —rarely. If we suppose circumstances in which there is a clear objective obligation of voting or not voting for a certain candidate under pain of grievous sin, which obligation the penitent already knew or is now satisfactorily informed of by the priest, and is yet unwilling to carry out, he is not fitly disposed for absolution, and it ought to be refused him so long as he remains in that mind. This is unmistakably sound doctrine, whatever view may be taken of it by the law of the land or by legal functionaries, or by anyone else, and I may add that it is a manifest dictate of right reason. It is no business of mine to say when, where, and how often, the circumstances are such as I have explained. I happen to think they are not common. It is most unquestionable that a confessor has no right to make the sacrament an instrument for enforcing his own personal or political predilections. He is not a legislator, but a mere administrator of the laws by which his penitent is bound irrespectively of him.

So far, I have confined myself to what may be called the compulsory influence of confessors, the sphere of which is, as we have seen, exceedingly limited. But when a confessor has no power to enforce a suggestion, he may still lawfully make it, and it is often his duty to advise what he sees is the better course to be adopted. This he is frequently asked to do by the persons concerned, and, even when not asked, it is in many instances useful, and more or less incumbent on him. But here, as in the other case of insisting, he is bound to have in view only what is the

most eligible on the score of virtue and of the service of God, never any personal aims of his own, or any human fancies or partialities. In this case as in the former, his business should be to help the person to act in that way in which the person himself would be likely to act without advice, if possessed of sufficient knowledge and discretion, and good will and strength of mind to overcome or disregard ill-founded objections, or unreasonable feelings.

I have been speaking of what is the rule to be followed by priests, what it is proper for them to do. But I am very far from admitting that lay authorities have any right to inquire into their conduct in such matters. The Catholic Religion establishes the relations between the clergy and the faithful in connection with the Sacrament of Penance, and also the principles whereby the clergy are to be guided. But the clergy are not responsible to the State for their conformity to these principles. None but Catholics are subject to the influence of Catholic confessors, and the State has no claim to interfere with the administration of a sacrament by a Catholic priest to another Catholic, whether priest or layman. This would be meddling with the practice of their religion, which is certainly not within the competence of the secular power.

CHAPTER X.

The Clergy *(continued)*—Advice and Instruction.

The priest's office of adviser is not confined to the confessional. He is often asked about the lawfulness or unlawfulness of certain courses of action that are contemplated—about obligations to do or omit doing certain things. Cases are proposed to him, not imaginary cases, or merely possible cases, or even such as may be likely to happen, but cases which have happened, or are happening, to the persons who recur to him, or to others regarding whom those persons are interested. The circumstances are detailed, in order that the priest may be in a position to judge accurately on the subject and answer correctly, not of course infallibly, for he is not infallible either in the confessional or out of it, but according to his lights. His acquaintance with Moral Theology and his natural ability, as well as his uprightness and conscientiousness, are the elements that give weight to his opinion. Often secrets are revealed to him which would not easily be told to another. They are not placed under what is called the *seal of confession;* because that highest and most sacred of all obligations to silence is not applicable except with relation to the Sacrament of Penance. Hence, such expressions as "I tell you this as if I were at confession," or "I tell you this under the seal of confession," do not avail to create that particular and supreme kind of obligation, unless the statement is really connected with a sacramental confession previously made or commenced, or which is actually commenced now, and so connected as to enter into it.

But there are other obligations of secrecy besides that one, obligations which would exist if the Sacrament of Penance had never been instituted. All tolerably good men acknowledge and observe them. A very special place is to be assigned to *professional* secrecy; because the good of society requires that its members should feel confidence and security in their recourse to those who are specially qualified to assist them in the different classes of misfortunes and difficulties in which they may find themselves involved. This happens often, indeed, through their own fault. But, even so, they are not to be left destitute of help, or to be driven to desperation, or to be exposed to the danger of going additionally wrong for the want of those remedies and of that guidance which God in His Providence affords, and which society itself, under Him, seeks to place within their reach.

A remarkable example of the application of this principle is found in the privilege accorded to attorneys and barristers, or rather to their clients. Our law is justly solicitous to punish crime, and no diligence is spared in the pursuit of this object. Expense is not allowed to stand in the way. The public money is liberally disbursed. The discovery and conviction of a single malefactor are made a national business. The cases of Franz Muller and of Arthur Orton are instances—remarkable no doubt, but still merely two among many—of the zeal employed in bringing delinquents to justice. Yet, the greatest criminal may have free recourse to one or more legal advisers, and they are not only allowed, but compelled, to maintain secrecy concerning the subject of these communications, unless the party interested voluntarily relax the obligation. Neither counsel for the prosecution nor the judge himself is at liberty to elicit information from them about their client's confidential statements, however desirable it may

seem to arrive at the truth, because this is most properly considered a wrong means to employ for the purpose.

So far our jurisprudence is unimpeachably fair in this respect. But there is some ground for saying that it stops rather short in confining this protection, as it does, to the case of *legal* advisers. The principle is not extended to medical men, nor to the clergy. Communications made to them are not privileged. A physician can be called upon to tell all he knows; so can a priest, if we except, practically at the present day, knowledge acquired precisely through confession. I say *practically* and *at the present day*, because this was not always so; and even now, if I do not mistake, the rule is not of the same formal and expressly juridical character with regard to a confessor as with regard to a barrister or attorney. However, the actual course uniformly taken by the judges may be looked on as having passed into law.

But the privilege is meagre and incomplete, and not satisfactory even as regards the confessional. Because, though no priest is now ever asked to reveal the sins told him in confession, or, if by chance asked, he is never pressed, and no judge would sanction such pressure, yet questions are sometimes put and urged as to transactions which may easily have a close connection with confession, and really fall under the seal. A confessor, for example, learns from a penitent some obligation contracted by the latter, and undertakes to co-operate in its fulfilment—undertakes, we will say, to convey restitution to an injured party, without affording a clue to the person from whom it comes. This involves external action, quite beyond the material limits of the place where the confession has been heard, but which the priest is not at liberty to account for; and not only is he not at liberty so to account, but he would thereby violate the seal of confession. And this

holds, as is obvious, not only with regard to questions which are equivalent to inquiries about the person, but with regard to those which are more remote, yet which, if answered, would put the questioner on the road towards the discovery of the penitent. Again, something may be otherwise known concerning an interview, that has no look of confession, between the priest and a particular person, and yet the business transacted cannot be explained without trenching on the secrecy of the sacred tribunal, because that business has an intimate connection with the sins told there. Questions, therefore, regarding it are in reality questions about confession. It is quite clear that a priest cannot in conscience answer such questions as these, and that no civil law can bind him to answer them, nor any danger of consequences justify him in doing so. The Divine law must be fulfilled at all costs. Further, it is clear that all attempts to interfere with the sacramental secret are in themselves wrong, and, I will add, at variance with civil liberty and the acknowledged right of Catholics to practise their religion.

But, even where confession does not enter at all, private professional communications between the clergy and the faithful, with a view to advice, ought to be respected. It is certainly for the good of society that its members should have free access to counsel and direction in matters of conscience, and the advantages to be derived from this access override any that could accrue, in particular instances, from interference with it. This is more obviously true in the case of priests than in the case of lawyers; for it never happens that priests are consulted professionally for a bad purpose. I say *never*, because, if there be exceptions, the number is so infinitesimally small as not to be appreciable. The object in view is always to ascertain the existence or absence of a moral obligation, and the motive is that the person may

be in a position to do what is right. Now this cannot be said of recourse to men of the legal profession. So far as criminal jurisprudence is concerned, many innocent men seek to establish their innocence, and many guilty men try to screen their guilt, which I fully admit to be a lawful thing, since a wrongdoer is justified in escaping punishment if he can, provided always that the means adopted are fair, and this is very far from always being the case. In civil causes the recovery or retention of property, compensation for wrongs or losses, the enforcing of agreements, and the like, are in view—often, no doubt, properly in view ; but it cannot be denied that frequently there is injustice either on the part of the plaintiff, who struggles to obtain what he has no title to, or on the part of the defendant, who endeavours to defeat a well-founded claim. I have not the least intention of disparaging the legal profession, for which I have the highest respect and esteem. All I mean to infer is that suitors to whom the law affords such thorough protection for their legal secrets—since the privilege is *theirs*—that suitors, I say, considered in that capacity, are, *of the two,* less entitled to such a provision than those whom we may call the clients of the clergy, seeing that the former are *at best* immediately intent on their own legitimate temporal interest of some sort, while the latter have for their object rectitude of conduct. I say *of the two* merely by way of comparison, arguing *à fortiori*, not that I would desire to see the existing privilege as to legal advisers in any degree abridged.

Unquestionably it is the interest of society that men should be guided by their conscience, and should possess every help towards forming their conscience correctly. The law itself appeals to conscience by the administration of oaths, which are perhaps a little too much multiplied ; but however that may be, they are, in moderation, justly

considered expedient and even necessary. I say the law appeals to conscience in administering oaths; for though witnesses are liable to punishment if they be proved to have sworn falsely, yet in many cases the falsehood could not be detected, in many more the witnesses would count on escaping discovery. Nothing indeed is more clear or certain, or more generally recognised, than that oaths are administered with a view to securing truthfulness on the score of conscience. Besides, the claims of conscience are continually dwelt on by judges and advocates, and, in the main, it is supposed that, as far as may be, law and conscience ought to go together—that law should support and enforce the demands of conscience.

From the nature of things there cannot be a perfect coincidence between conscience and law, even that branch of law which is called *equity*, and which was, in its origin, more especially intended to insure the fulfilment of conscientious obligations. Those by whom it is administered must follow certain rules, whose application accidentally, at times, contravenes natural right; and a late distinguished equity judge once complained that he was obliged to administer *injustice* from the bench, not, of course, injustice on his part, but injustice as to results over which he had no control. This, certainly, does not excuse those who seek such results. What I wish to convey by these remarks on the relation between law and conscience—what I wish to infer—is, that it is the policy of the law not to throw unnecessary obstacles in the way of those who desire to govern their conduct by the rules of morality, and therefore that the secrecy of all professional communications with *spiritual* advisers should be respected and protected as much as the secrecy of professional communications with *legal* advisers.

There are, no doubt, persons who will deride recourse

to the clergy in what are styled worldly matters, as if worldly matters could have no spiritual bearing. It is not my business to pronounce on the *conscientiousness* of such persons. There are others who will say that the *Catholic clergy*, in particular, are not to be trusted. This is not the place to enter into a controversy concerning the trustworthiness of priests. I do not forget that, as I said in the commencement of these papers, I am addressing Catholics, though I may take occasion to deal incidentally with the prejudices of Protestants. In speaking to Catholics, I assume the truth of our religion, and of the principles according to which the clergy are educated, which are no other than the principles of our religion. I assume that the clerical office and professions are divinely instituted, and that the Governing Church, as I have called it, which consists chiefly of the bishops, is divinely appointed to watch over the individual members of the clerical body. This is a fair guarantee of their general fitness to discharge the duties imposed on them, though they are not personally infallible nor impeccable. They all thoroughly understand that, as ministers of God, they are specially bound to guide the faithful according to His law, without wilfully diverging to the right or to the left; and it is to be presumed that, as a rule, they act accordingly. Their particular studies qualify them to form a correct judgment on the questions that are submitted to them for decision. Some, of course, are more thoroughly qualified than others in what may be called a scientific point of view, and these are preferably recurred to in difficult cases. Generally speaking, they have no interest in misleading those who consult them, even though they were not upright and conscientious. Generally, too, there is every reason to believe that they *are* upright and conscientious, and would not sacrifice duty to interest. All this I say to Catholics who will, for the

most part, I conceive, be ready to admit the entire statement. A good deal of it I may confidently say to reasonable Protestants, whatever be their particular religious tenets; for, although they will not view the Catholic priesthood as I do, yet considering what our clergy are seen to be, and how they are regarded by those who know them best, and what they—the clergy—believe themselves to be as to their office and duties, impartial Protestants will not see much mischief to be apprehended for society from their guidance or advice concerning moral obligations.

I have said that ordinarily priests have no personal interest in the decision they give or the advice they afford. Can so much be said of members of the legal profession in either of its branches? I am very far from wishing to charge them at all generally with an undue regard for their own interest. Being men, it is only common sense to suppose that some of them occasionally yield to a weakness of this kind; but it is no part of my purpose to make any accusation against them. I merely ask can it be said that there is generally no interest of theirs involved in the questions on which they are consulted? That their interest should or should not be involved is a thing which does not depend on them, and consequently no fault is implied in affirming that it commonly is so. Their calling is an honourable one, and one that is necessary to society; but it is no harm to say that litigation is beneficial to them. Their livelihood depends upon lawsuits. Their credit likewise depends, to no small extent, on success in the causes they undertake. They are liable, therefore, to temptation, both in the matter of promoting and protracting actions and in that of straining points to gain the day. I do not want, for all that, to say they are not to be trusted. But, taking all things into consideration, there is no ground for denying that priests are to be trusted at least every bit as much.

There is another official use of the professional knowledge of the clergy, and that is religious instruction, by preaching, catechising, or otherwise. I employ the expression *official use*, because though every part of a priest's conduct ought to be regulated by theology, yet judgments, decisions, spiritual advices, moral teachings, are at once in a true sense official acts, and a direct expression and application of theological doctrine. The clergy are bound to instruct the people both as to dogmas, or truths to be believed, and as to morals, teaching them what they are bound to do and what to avoid, exhorting them to repentance for their sins and the practice of virtue. The people are to be informed concerning God and His perfections, the mysteries of the Trinity and Incarnation, the rewards and punishments of a future state, the institution and nature of the sacraments, the authority of the Church and of the Roman Pontiff, the commandments of God and the Church. Coming down to details, the clergy must teach their parishioners the various obligations of justice and charity, the duties of parents towards children and of children towards parents, of superiors and inferiors in each other's regard; in one word, all that God requires of men in the different relations of life. Merely secular matters, as such, merely temporal interests, as such, do not fall within the range of this pastoral teaching, but their moral bearings do, though a good deal of prudence is requisite in treating of these, that the proper boundaries may not be transgressed, that a handle may not be afforded for complaining of unnecessary and mischievous interference in worldly business, and that needless offence may not be given to any one. Yet the clergy have a right to speak to their people concerning all classes of moral obligations. By this assertion I mean that individual priests have the right in subordination to their ecclesiastical superiors; in other

words, that the Church has the right of doing so through her ministers. Ordinarily, in these countries, there is no difficulty thrown in the way. The fullest expositions of Catholic doctrine, with its practical developments, may be safely given. There is no likelihood of treason or sedition being preached here or anywhere else, because the Church condemns these things, and enforces loyalty towards the State. But if the civil power were to command anything unlawful, as happened even among us in other times, the clergy would be entitled and obliged to forbid a guilty obedience to that authority whose just laws should still continue to be observed.

CHAPTER XI.

The Clergy and the Law of Elections.

I HAVE said that *ordinarily* there is no difficulty thrown in the way of the clergy as to their instructions concerning moral obligations. The chief exception I am aware of, so far as public teaching, is with regard to the duties of voters at Parliamentary elections. British law is very jealous of clerical influence in this department. I will, for the moment, adopt, as an exposition of the law, a passage in the judgment delivered at the conclusion of the trial of the Longford Election Petition in 1870. This passage conveys the view taken of the law by an eminent judge,* whose words carry with them great weight. He may, no doubt, be mistaken as to the legal doctrine on the subject, and what he says is to be looked on rather as a *dictum* than as even an attempt to fix the rule of law, so far even as it could be fixed by one election judge. Still, he is a most respectable authority, and appears to have spoken deliberately and with reflection. He has spoken clearly, definitely, and unambiguously, with one exception, which I intend dwelling on a little hereafter.

The words of Mr. Justice Fitzgerald are as follows (pp. xiv. xv. of Report)—"Considering this question of undue influence, or rather what I call here undue clerical influence, because all the allegations of the petitioners point to undue priestly influence, it is not my intention in any way to detract from the proper influence which a clergyman has, or by a single word to lessen its legitimate

* The late Lord Fitzgerald, who died in 1890.—Ed.

exercise. We cannot forget its wholesome operation, and how often, even recently, it has been the great bulwark of the community against insurrection and fruitless attempts at revolution. The Catholic priest has, and he ought to have, great influence. His position, his sacred character, his superior education, and the identity of his interests with those of his flock, ensure it to him, and that influence receives tenfold force from the conviction of his people that it is generally exercised for their benefit. In the proper exercise of that influence on electors, the priest may counsel, advise, recommend, entreat, and point out the true line of moral duty, and explain why one candidate should be preferred to another—and may, if he thinks fit, throw the whole weight of his character into the scale; but he may not appeal to the fears, or terrors, or superstition of those he addresses. He must not hold out hopes of reward here or hereafter, and he must not use threats of temporal injury or of disadvantage, or of punishment hereafter. He must not, for instance, threaten to excommunicate or to withhold the sacraments, or to expose the party to any other religious disability, or denounce the voting for any particular candidate as a sin, or as an offence involving punishment here or hereafter. If he does so with a view to influence a voter, or to affect an election, the law considers him guilty of undue influence. As priestly influence is so great, we must regard its exercise with extreme jealousy, and seek, by the utmost vigilance, to keep it within due and proper bounds." So far the learned judge.

Before discussing the doctrine laid down in these few sentences, I will take the liberty of expressing some views of my own concerning the action of the clergy with regard to elections, views that are quite irrespective of the law of the land, but in no degree at variance with it. I think that political subjects, elections included, ought to be seldom

and sparingly treated of in discourses from the altar or pulpit—in fact, only so far as is more or less *necessary*. When a priest does find it his duty to introduce them, he should remember not only his own sacred character, which he carries with him everywhere, but also the holiness of the place where he stands, and of the function he is performing as a preacher of God's word. Hence, his language ought to be circumspect, dignified, temperate, free from exaggeration. It ought to be such, too, as would bear to be reported and printed without discredit to himself or scandal to others. I am not alluding now to any rhetorical excellence, but to the perfect propriety of the expressions used. A great deal of what I have just written is applicable to other utterances of priests, as, for instance, in their speeches at public meetings—indeed, to all their utterances. No doubt, greater latitude may be allowed in some circumstances than in others; but that latitude has its boundaries, and these should be carefully estimated and never passed.

As to the fitness or unfitness of any particular candidate, a priest should be *very slow* to judge even in his own mind that a vote for or against any given man is sinful. By a vote *against* a candidate, I mean, of course, a vote *for* his adversary to *his* exclusion. A priest should be *still slower* to express such a judgment, though prudently formed, and he should be *very slow indeed* to express it in public. This is *specially* applicable to an absolute, decisive form of pronouncing on the subject. For example, there is a considerable difference between saying: "I tell you it is a grievous sin to vote for such a man," and saying, "It is well for you to reflect whether such a vote may not be sinful"—or, "If *I* were to vote for him I should feel that I was guilty of a serious sin." There are plenty of unmistakeable sins, without multiplying them unnecessarily.

I come now to the principles set forth in the Longford Judgment regarding clerical influence. In the first place, it will be seen, on close examination, that the influence there sanctioned and approved is not in itself essentially and exclusively *clerical.* It is not spiritual, though indirectly connected with the clerical and spiritual profession of those by whom it is exercised. There is, indeed, no widely diffused *class* of men of whom all the same things can be said that are there said of the clergy. But there are many individuals, and there may easily be, in a particular place, even a body of persons of whom we could correctly affirm what is affirmed of the clergy in the passage before us, with the sole exception of the two words *sacred character,* and even the circumstance indicated by these words goes rather to commend the *persons* than to qualify the *influence.* As for the position, the superior education, the identity of interests, the conviction of the people that the influence in question is generally exercised for their benefit, these things which might be found in a medical doctor or other professional man, in a merchant, in a landlord, nay, in all the landlords of a district or of a county, though not of all districts nor of all counties. With regard to the influence which priests have exercised or do exercise against insurrection and revolt, it is, in no small part, of a kind which the law as expounded at Longford would peremptorily exclude from parliamentary elections, and for the rest, it might emanate from men of other classes.

But *spiritual* influence is eliminated, and sweepingly eliminated, from elections. I should like to know how much spiritual influence is conceivable, if all allusion to rewards or punishments in this life or the next be set aside, if there is not to be a word said about sin. I may be told that I ought not to taunt the judge or the law with inconsistency, since it is very plain that the judge and the

law as expounded by him do intend to do away with spiritual influence. This indeed seems to be the case; and yet it appears hardly credible. Is a priest alone forbidden to appeal to conscience, and, if he appeals to conscience, is he not in reality using spiritual influence? If he appeals to conscience, is he not truly, though but implicitly, threatening the punishment to be feared by those who disregard its dictates? May the priest not speak of God, and of what He expects and even demands? and what God demands may not be refused with impunity.

But let us come completely to the point. The law, as understood by Judge Fitzgerald, will not allow sin to be mentioned by the priest. He is not at liberty to tell his people that a particular way of voting is sinful. Now, I ask whether it is possible or not that a particular way of voting should be sinful; whether it be possible or not that a particular way of voting should seem to a prudent man to be obviously in itself morally wrong? Can members of parliament do serious mischief or not? Does the welfare of the country depend or not on legislation? May not legislation be iniquitous? Are there not men whose professed principles will lead them to legislate iniquitously? I am not alluding to any one in particular. I am certainly not accusing any Longford candidate, nor indeed any candidate for any special place. I am putting an abstract question. If an individual is pretty sure to turn out a pernicious legislator, to help in damaging a country, to help in damaging religion, will it be quite right to afford him the opportunity? I know that the obligation of each voter may appear to be, to use the expression, *diluted* by reason of the small part *his* vote has in effecting a return, and again by reason of the comparatively small amount of mischief one member can do in an assembly of over six

hundred; and this was *one* of my reasons for saying that we should be slow to condemn as grievously sinful a vote given for this or that candidate. Still, the very use of the doctrine of the unimportance of single votes for single members is questionable and not without its dangers.

Besides, whatever weight it may be entitled to, *the law* has no business to avail itself of any such doctrine, since the law goes on the principle of attaching great moment to every election and every vote. The law scrutinises with jealousy every element of parliamentary election. It would ill become the law to turn round and say—a few votes here and there, a few members here and there, do not much matter. The law does not say such things and could not say them. Will the law, on the other hand, say that every election and every vote is a matter of importance, but cannot have to do with conscience? The law never has said and never will say anything of the kind, at least till things become a great deal worse in these countries than they are. And whatever the law might choose to say on the subject, it has no *right* to declare that perverse voting may not be sinful. This is not precisely *its* province, but this *is* the province of the ministers of religion.

What I contend for, then, is, that there *may* be a conscientious obligation, an obligation under sin, and even under grievous sin, to vote for or against a particular person in certain circumstances, and that the law neither does nor can negative this position. I then proceed to contend that where such obligation exists, or is believed and considered to exist, there is no harm in stating it privately or publicly. It seems strange that a priest should not be at liberty to tell the people of an obligation of conscience which he believes to exist, and consequently to tell them of a sin which he believes will be committed by the breach of that obligation. It seems strange, I say, that the

law should undertake to forbid this, for I am just now speaking of the law of the land, not of the law of God, which undoubtedly does not forbid it, but rather, on the contrary, prescribes it, so far as it may be consistent with prudence. The law of the land is subordinate to the law of God and cannot validly gainsay that law ; but the law of the land, even where it does not *bind*, may, in certain classes of cases, create a state of circumstances which renders imprudent what would *otherwise* be the right course, and causes it not to be the right course any longer.

Curiously enough, a layman may, I presume, talk as much as he likes about the *sin* of voting one way or the other, but a priest cannot, on the ground, we must suppose, that the people will believe the latter and will not so much mind the former. After all, a priest cannot make a thing a sin that is not so already. As to threats of excommunication or refusal of sacraments, the case is *somewhat* different: for these things are acts that can be done *by the clergy*. I do not recognise the right of the law to meddle in such matters, but I am not so much surprised that it should.

Before making any further remarks on the Longford judgment, of which I have still a few words to say, I wish to explain part of what I have already said. I have given some countenance to the notion that a voter's responsibility is diminished by the circumstance of his being one among many, and likely enough not to turn the scale, and also by the circumstance that a member of Parliament is likewise one among many in the House of Commons. Certainly it seems a less mischievous act to *vote* for an unfit candidate than simply to *appoint* him, if the party had the power; and, again, there is a wide difference between even appointing a member of Parliament and appointing a supreme ruler, or even a subordinate ruler, who would be

possessed of considerable personal jurisdiction which he was likely to abuse. These distinctions, too, are of more weight in ordinary circumstances than in the case of a life and death struggle between a decidedly good party and a decidedly bad party, as, for instance, in Belgium. It may not be out of place here to observe that a member of Parliament, besides his share in the action of the House of Commons, has a certain local influence, which may be used for good or for evil. I do not, by any means, desire to make light of the duty of voters. It would be in the interest of my argument to exaggerate it; but I do not seek advantages of that sort. One thing certain is, that the law's prohibition to speak of sin, or hell, or heaven is not based on the *unimportance* of votes; that, on the contrary, the greater their importance might be the more would the law set itself against what it calls undue influence. Another thing certain is, that, in the eyes of all tolerable Christians and of many who are not Christians, the position of legislators is one that avails much for moral good or evil; that bad legislators are a great moral mischief, and that the question of their selection is a moral question. And yet, sin, it seems, is not to be spoken of in this connection; in other words, conscience is not to be spoken of; for where conscience reaches sin reaches. Heaven and hell are to be kept out of view. And I would have it carefully noted that there is not question of excess or abuse. Even if there were, I would demur to interference with what is the proper province of the Church. But this is not so. With or without moderation *guilt* is not to be touched on. I ask, is all this thoroughly Christian?

I said I was not quite done with the Longford judgment. I have no wish to disparage the distinguished man who pronounced it. But, as a high public functionary, he is fairly liable to criticism. As we sometimes say in Ire-

land, he *has a right* to be commented on. Well, then, Mr. Justice Fitzgerald, speaking of the Catholic priest's legitimate influence, says: "he may . . . . point out *the true line of moral duty*, and explain why one candidate should be preferred to another." Now, I ask, what is *the line of moral duty*, but the line of moral rectitude as opposed to moral turpitude? And what is moral turpitude but sin? Surely, moral duty is something more than party politics, something more than mere expediency, so far as party politics and expediency are rightly or wrongly supposed to be indifferent in relation to conscience. Moral duty means moral obligation. It has but one true and genuine sense, though its objects are exceedingly various. The duty, for instance, of respecting property is as truly a moral duty, and in the same sense, as that of respecting life, though theft is a less crime than murder. Every real duty has a relation to God; and no real duty is unaccompanied by a divine sanction of reward and punishment. Those who deny or ignore God and a future retribution may, indeed, admit *some sort* of moral duty, but not in the same sense as Christians. By the way, it may become a curious legal question, whether those men in England—otherwise, in some instances, respectable and distinguished—who deny or are not prepared to affirm the existence of a personal God, are qualified to give testimony *on oath* in the courts.

It might be attempted to explain this part of the judge's statement, as having reference to an abstract teaching on the duty of voters. But, even if such an explanation were sufficiently consistent with the context, which does not seem to be the case, any developed instruction on the subject dealing with moral duty in its only legitimate meaning, and, at the same time, setting forth that meaning in an intelligible form, would, or easily might, come practically

to have a very definite bearing on the particular candidates for the seat. Surely the judge could not mean that a priest was merely to tell his hearers it was their moral duty to vote for the man they thought the fittest. He would not be precluded from alluding to the matter of legislation. Again, he would not be precluded from saying what was to be understood by moral duty.

Suppose then, for example, the priest were to expatiate on the evils of godless education, and the moral duty of taking this question into account. Suppose he were to tell them it was their moral duty to use their franchise to do away, as far as in them lay, with so ruinous a system, what would all this mean, where one of the candidates was a notorious upholder of the education thus reprobated? Suppose, again, the priest were to tell his hearers what sort of man was fit and what sort of man was unfit to be a member of parliament, and to inculcate on them the moral duty of choosing a man of the one sort and rejecting a man of the other sort, he certainly would not go a tittle beyond pointing out the line of moral duty which the judge allows him to point out; and yet the application would be, or might be in some instances, transparent. As to *moral duty* itself, surely the judge would not tie down the priest to these two words, if he (the priest) believed that many of the people might miss their meaning. There is no special charm in the terms. It is their sense that must be minded. He might speak of their being answerable to God, of their being bound in conscience. He might even bring in that condemned word *sin*. He might say everything that is really and genuinely conducive to the understanding of the phrase *moral duty*. For, if a thing may be spoken of, and spoken of as, from its nature, a motive of action, that nature may be and ought to be fully declared. If, for instance, the judge were to say—as no doubt he would say,

and say truly—that the moral duty of obedience to legitimate authority ought to be insisted on by the clergy, he would be understood to mean that the clergy should make the faithful comprehend the moral evil—the sinfulness—of disobedience, and the consequences of that disobedience. Either, then, let *the line of moral duty* be struck out, or let *sin* and its consequences not be eliminated. I have already stated clearly enough my own views as to the caution which should be observed in asserting that it is a sin to vote for or against a particular candidate. But we are talking of principles broadly laid down to meet all cases, and viewed thus the judge's language is not consistent—or at least does not seem so. One brief remark more about the terms of the judgment. The word *superstition* is introduced, I think unnecessarily. I do not charge the judge with any evil intention in using it; and I can conceive a line of thought which might innocently suggest it, as, for instance, that an *unwarranted* appeal to conscientious fears might be turning them to *a sort* of superstitious purpose; but, as it stands, the word does not look well.

CHAPTER XII.

Education.

Having spoken of the professional knowledge and professional studies of the clergy, of the application of that knowledge and those studies in the confessional, in public and private instruction and advice on religious matters, including whatever belongs to Faith or to Morals, I must not omit to speak of the rights and duties of the clergy with reference to education. How does the Church—the teaching and governing Church—stand towards education—towards the intellectual training of Catholic youth?

It is the direct business of the Church to secure the *religious* instruction of the rising generation of every time. Whatever else they learn, care must be taken that they learn the true doctrines of Faith and Morals under the guidance and direction of the clergy. No doubt, parents and other lay persons can and do communicate this kind of knowledge, and their co-operation is much needed—indispensably needed. Yet, the work they do is the work of the Church, and must be done under the presidency and direction of the Church. The Church is entitled and bound to insist on this branch of education being effectually attended to, on children being taught and taught correctly. The clergy must take part in the work themselves, and guide the efforts of secular teachers in this regard. The spiritual interests of children, with which interests the Church is charged, strictly demand the exercise of this care on the part of the clergy, abstracting from all merely temporal advantages to the children and to human society.

But it must be remembered that the temporal advantages thence derived are exceedingly great. Indifferent Christians may sometimes be tolerable citizens, but rarely so good, so useful citizens as if they were better Christians; whilst really good Christians are sure not to be bad citizens. If some among them do not do much for their country, they will do nothing against it. It stands to reason that those who are carefully brought up in the knowledge and fulfilment of the law of God should be faithful in the performance of those duties which the law of God imposes, and therefore of all social duties, which are assuredly comprised in that law. Conscience, in the long run, reaches much further than any amount of civil coercion and police vigilance.

But educational teaching is not universally confined, nor nearly confined, to religious truths of any kind. Arts and sciences and literature are to be cultivated, not indeed by all, and by *comparatively* few to any considerable extent; but they are to be cultivated, and, as I have said elsewhere, the Church is very far from discouraging such studies. What then is the office of the clergy in their regard?

I need not repeat that ecclesiastical students are encouraged and even required to apply themselves to the branches of which we are speaking. It is well known that both in the past and in our own time many members of the clerical body have distinguished themselves in the various departments of natural knowledge. Popes and bishops have established splendid schools for the promotion of secular learning. All this is matter of undisputed history, but does not afford an answer to the question proposed: namely, what is the *office* of the clergy in regard of these studies? Is it, for instance, the duty of the Church to teach human science and literature? Is it the duty of the Church to provide laymen with the opportunity of cultivating these

branches of knowledge? I am not asking what bishops or priests may do in this respect, nor even what they may, in certain circumstances, be more or less bound to do on the score of charity, with a view to meeting the wants of their fellow men—with a view to conferring on them a natural benefit, which they would otherwise either not possess at all or would not possess without a considerable amount of accompanying spiritual danger—with a view, too, to furthering remotely the interests of religion. I am inquiring whether the Church is directly charged with the training of the laity, or any of them, in merely human arts and sciences and literature. This query must be answered in the negative. The obligatory teaching commission, so to speak, which the Church has received from her Divine Founder, regards religious doctrine only. She is not debarred from promoting, fostering, encouraging merely human studies, even among the laity; nay, she has a *right* to this, as a subordinate means towards the attainment of her own proper end; but it is not one of her essential functions.

Has the Church, then, any office, any duty imposed on her, with reference to secular education? Undoubtedly she has. It is an essential function of the Church to watch over secular education; to protect the faithful from the dangers incident to it; to insist on the use of those safeguards which are required for this purpose. Whatever belongs to Faith or Morals is within the competence of ecclesiastical authority, and nothing is more obvious than the connection of secular education with Faith and Morals under the respect just stated. Some portions of secular education concern subjects which have, from their nature, a bearing on religion, while other subjects can with no great difficulty be so treated as to have a bearing on it likewise. Indeed, there is scarcely any branch of human

learning, if there be any at all, that does not admit of this.

The *vigilance* of the Church with reference to education is exercised in various ways, according to circumstances. The pastors keep themselves informed of the nature of the instruction given to Catholics, partly by observation, partly by reports made to them, partly by inquiry. They ascertain by the same means the character of those teaching institutions which are frequented by Catholics. They watch, too, the laws of the State, proposed or enacted, regarding colleges and schools. The *authority* or control of the Church with reference to education is exercised over the Catholic heads of schools and colleges, over Catholic teachers, in or out of schools and colleges, and over Catholic parents and children. The amount of interference is regulated by the necessity of the case, the opportunities afforded, and prudential considerations, which sometimes commend the toleration of what cannot be positively approved. Any intelligent and tolerably fair man, of whatever creed, or of no creed, will admit that Catholics, to be consistent, must take their religion into account in connection with the secular teaching of their children, and that the Church is, on Catholic principles, entitled and bound to watch and, in a certain degree, direct that teaching. A Protestant, and still more an infidel, may condemn or ridicule this course, as he condemns and ridicules Catholicity itself; but he cannot deny that, Catholics being Catholics, and the Church being viewed as they view it, no other course is legitimately open to them or to it. And yet, unfortunately, there are professing Catholics who do not seem to see things in this light. We may trust they are but few. They are influenced partly by simple ignorance, partly by superficial and illusory reasonings, and partly, no doubt, by certain worldly interests, which are, or appear to be, more effectually

promoted by setting aside what these men persuade themselves to be mere scruples.

At the present time, in these countries—and not only in these countries, about which, however, we are most concerned—there are two un-Catholic doctrines extensively prevalent among Protestants and others who differ from us in religion: namely, that secular learning should be entirely disconnected from religion, and that education should be *mixed* and not *denominational*. These two doctrines, though not identical nor inseparable, are closely allied to each other. For Catholics, the second—which regards mixed education—is far the most practically important. For, besides other reasons, where Catholics are educated on the thoroughly denominational system, there will not be, as a matter of fact, any undue separation of secular learning from religion. I have said *thoroughly*, because a school might be, and very often is, under the exclusive care of good Catholics, and yet not simply *a Catholic school*. I will therefore make a few remarks on mixed education, introducing as much as need be said about the disconnection of religion from secular teaching.

By *mixed* schools and colleges for Catholics, I mean those in which the official positions of heads, directors, teachers, or some of them are, *as a matter of course*, held by or open to non-Catholics. I have worded my description thus, because if the Catholic head of an otherwise Catholic college were to avail himself occasionally, or even permanently, of the services of a Protestant teacher in some particular branch, the college would not thereby become a mixed one. This course is not commonly advisable; but the nature of the subject, the personal character of the master employed, and a proper amount of supervision, might render it safe in a special case.

I am speaking here, as I have expressly indicated, of

mixed schools or colleges *for Catholics*, that is as regards Catholic scholars, who would be thus educated on the mixed system. I am not, at present, concerned with establishments in which there are no Catholic pupils. I am not at present concerned either with the fact of there being or not being non-Catholic pupils mixed with Catholics under a purely Catholic staff.

Having sufficiently stated what I mean by a mixed school or college, and consequently by a mixed education, which is that received in such an institution, I come to the grounds of objection to the system. In a mixed college or school, either Christian doctrines enter into the common teaching or they do not. Either all allusion to Faith and Morals is studiously avoided, or they are at least partially dwelt on by the masters in the instruction they give. If they are introduced, *so far* religion is taught—taught officially by non-Catholic masters to Catholic youths. Now, assuredly, this is not a legitimate source whence Catholic youths should derive any part of their religious knowledge. There is for them but one religion: that religion is the Catholic, not any other, not common Christianity, which is not *a religion* at all. A non-Catholic master, professing no subordination to the Catholic Church, is no authority for them in such matters. This is true, even where nothing is said at variance with any Catholic tenet. But what guarantee is there, or can there be, that no aggression will occur? The non-Catholic teacher cannot be expected to know the precise doctrines of the Catholic Church—the exact boundaries of common and particular religious doctrines. He may, even quite unintentionally, broach what is heterodox for us.

If, on the other hand, all allusion to religion and to those subjects which are comprised under religion, as I take it here and am entitled to take it—if, I say, all such allusions

are to be completely avoided, we shall have not only a bald and jejune teaching, hardly possible for a continuance, but a teaching intensely non-Catholic and non-Christian. I do not say *un*-Catholic nor *un*-Christian, but *non*-Catholic and *non*-Christian. Now this, for Catholics, is very bad. The thorough ignoring of religion, the exclusion of it as a forbidden subject, must have a positively bad effect. It serves to make scholars study to forget that they are Catholics. It puts God out of their sight; it fosters the idea that religion is a totally separate thing from the business of life—*their* business of life being their lessons. How can they realise to themselves that their whole lives are to be spent in the service of God, not, of course, by an uninterrupted succession of spiritual exercises, nor in a way to interfere with the exact study of any useful branch of knowledge, but by a religious intention of doing all they do for the glory of God, referring everything to Him? Experience and history teach that a religious spirit, far from impeding secular studies, helps men forward in them. If boys and young men are taught on a system professedly exclusive of religion, though not professedly opposed to it, they will learn to think but little of their religion and of God. Their lives will not be seasoned with Christian thoughts. Breathing an exclusively secular moral atmosphere, they will become in a great degree secularists—that is, persons who care nothing about religion.

Further, it is thoroughly impossible that anything like a full course of secular education can be gone through without involving the influence of religious principles or irreligious principles on the manner in which it is taught—on the teaching itself. This is obvious with regard to history, and with regard to mental philosophy. It is true even of classics, if the true meaning and spirit of the

authors are to be dwelt on and developed. It is impossible for a teacher not to put forward, one way or other, his moral views, for instance; and moral views, according to Catholic notions, belong to religion. Even if it were possible to avoid this, it could not be avoided without extreme circumspection and extreme self-control, such as are to be expected from very few men, and cannot be counted on. Even if allusions connected with religion could be abstained from, and easily abstained from, it is absolutely certain that, among a number of masters, and during any long lapse of time, they will not be abstained from. It is certain that cases of direct or indirect religious or irreligious teaching will be very frequent. This is a necessary result of the moral nature of men, and whoever really thinks otherwise must be strangely ignorant of that nature.

Further, the relations between teachers and scholars naturally lead to a considerable personal influence of the former over the latter. If a teacher is all that he ought to be as a teacher, he will be admired and looked up to by those under his charge. It may easily happen that a Protestant teacher will avail himself of this moral power to draw his pupil towards that religion which he himself professes, and to warn him against what the master considers the delusions of Popery. This work need not be done during class hours. But, even without any intentional attempt of the kind, the scholar's feelings towards his instructor are not unlikely to recommend, in some degree at least, the latter's religious tenets, or to diminish that abhorrence in which all Catholics ought to hold sectarian doctrines—not, of course, *the men* but *the doctrines* only. Boys and girls and young men and women are easily wrought on and easily warped.

It is quite consistent with all I have just said that many

instances may be found of those who have passed unharmed through mixed schools or colleges. No one has ever said that mixed education is *essentially destructive* to every individual so educated. It is calculated to be pernicious, but several may escape injury from it. It is still more consistent with the alleged danger that comparatively few abandon the Church in consequence. Indeed the upholders of the system for this country would deplore any considerable number of such defections resulting from it—since their favourite scheme would thus become patently intolerable, and could last but a short while longer. The great evil to be feared is not apostacy, but a kind of unsoundness which may readily be found in professing Catholics. A certain undesirable class of them are an easy fruit of such training—a class distinguished by doctrinal looseness joined with a very imperfect allegiance to the Church, and, as a necessary consequence, a commenced proclivity towards unbelief. Even those who have been educated at Catholic schools too often become later infected with this pestilence, which is found floating in the moral atmosphere of society. But mixed education is naturally adapted to communicate it, and insert it more deeply, while, on the other hand, the old principles of a sound training will often rise up and assert themselves and dispel the malady more lately contracted.

It is contended by many outside the Church that Catholic education unduly restricts the scholar, confines the range of his speculations, cramps his intellectual energies. The Catholic hierarchy and priesthood are hostile to progress, they fetter intelligence on principle. What is a Catholic to say to this allegation? I, as a Catholic, ask whether this pretended illiberality of priests and bishops and popes is the effect of Catholic doctrine, whether it is precisely because they are *Catholic ecclesiastics* that they take the

view imputed to them? Is it merely an accidental coincidence? This may happen in one or two or twenty cases, or even more. There may be priests or bishops who are narrow-minded about education, or about anything else, as there may be priests or bishops who go astray culpably or inculpably in various ways. But it is simply unintelligible that Catholic priests and bishops should all, or nearly all, take a particular line, such as that pretended, unless the line in question is substantially dictated by the Catholic religion. And, no doubt, those who support mixed education on this ground do, expressly or tacitly or virtually, attribute the supposed fact to the Catholic religion, at least in their own minds; or if any do not, this comes from the imperfect and confused character of their perceptions concerning the Catholic religion, and the relation between it and the clergy. I should like to hear any reasonable, educated man controvert this conditional proposition: If the Catholic clergy through the world uniformly, or almost uniformly, habitually and persistently, hold to a system of undue restriction and illiberal shackling of the intelligence and studies of scholars, they derive this system from the doctrines of the Catholic religion. I go further, and I say that, in such hypothesis, they *correctly* derive the system from the doctrines of the Catholic religion—that it is no mistake. For, assuredly, if the clergy as a body do not understand the Catholic religion, no one understands it. The argument then for mixed education taken from the evil influence of the Catholic priesthood cannot, in the first place, be accepted by a Catholic, as it would commit him to the condemnation of his Church and Religion. Secondly, that argument comes to be available against those who use it. That is to say, whatever there is in it tells in a Catholic's eyes against them. I will put the thing thus: Either the Catholic religion does call for a restriction,

which these gentlemen would get rid of, or it does not. If it does, then their position, in the mind of a Catholic, must militate against their system and serve as an objection to that system; if it does not, then the argument is worth nothing, and is no argument at all. If they shift their ground, and say *some* Catholic bishops or priests would shackle the intelligence of scholars, I reply, so probably would some parsons and some Protestant bishops, and some Deists and some Atheists. As a matter of fact, some men of each of these classes are intolerant of whatever is at variance with their own theories, and would, to the best of their ability, shut out a student from the danger respectively of Popery, Christianity, Theism. I admit there is a certain restraint desired and imposed by the Church as regards students or scholars. It will be well for us next to consider briefly what is the nature and amount of this restraint.

CHAPTER XIII.

EDUCATION (*continued*).

THE restraint desired and imposed by the Church as regards students or scholars may be reduced to a few heads. First, Catholic scholars are not to be taught any doctrine contrary to that which the Church teaches, either as matter of faith or as certain truth, though not strictly of faith. Secondly—though, indeed, this is contained in what I have put down as first, but is deserving of special mention—Catholic scholars are not to be taught any system or principles of mental philosophy that have been condemned by the Church. Thirdly, Catholic scholars are not to be taught history compiled with a view to undermining the Catholic religion, and interspersed with remarks and reflections directed to this object. Fourthly, Catholic scholars are not to be encouraged, nor even allowed, to read indiscriminately all books they please, or to examine for themselves all that the adversaries of Christianity or Catholicity have written against their faith. Students going through their course are not qualified to deal safely with such authors. They have neither maturity of judgment nor a stock of information to fit them for an investigation of this kind. I speak thus of students, because I am at present concerned about them; but I would not be understood to imply that such unrestrained research is free from danger in men who have completed their academical training.

I quite understand that the restriction on reading, examining, investigating, appears hard to many of those who are

opposed to us in the question of education. They will meet us with that very specious, and, in many circumstances, very fair proverbial counsel, *Audi alteram partem.* But it so happens that this is a counsel which, in its received sense, no Catholic is at liberty to follow with reference to the doctrines of his religion. The saying means that we should suspend our judgment till we hear what has to be said on the other side. Now, as Catholics, we cannot suspend our judgment regarding Catholic truths. If we do look into objections for some good purpose, we must do so with a determination not to yield to them. This may sound hard or illiberal; but it is of the essence of Christian faith.

Fifthly, Catholic scholars are not to be taught religion either as to dogma or as to morals by non-Catholics; because non-Catholics, however otherwise estimable, are not fit and proper organs or mediums of the Catholic Church, from which alone Catholics are to derive their religious knowledge. Sixthly, Catholics are not to be taught religion, even by Catholic masters, otherwise than in subordination to ecclesiastical authority.

These are the restrictions which occur to me. There is also the positive obligation of securing adequate formal and distinct religious instruction for every Catholic scholar, besides what may enter incidentally.

It is on such principles that Catholic parents must act for themselves and for their children. They may have their children educated, highly educated, learnedly educated, taught everything that is worth knowing, but under a protecting guidance. Assuredly, the Church, as I have stated elsewhere, sets no bounds to speculations in the region of truth, and there is no advantage in learning what is false. It may often be useful to know something about unsound teachings; but this must be done under direction, which will prevent their being imbibed.

It will be worth our while, before going further, to direct our attention to some decisions and declarations connected with this matter emanating from competent ecclesiastical authority. In the Syllabus subjoined to the Pope's Encyclical *Quanta cura*, issued on the 8th December, 1864, we find the following propositions set down for reprobation :— "The whole government of the public schools in which the youth of any Christian State are brought up, with a limited exception in the case of episcopal seminaries, can and ought to be assigned to the civil authority, and so assigned that no right be acknowledged on the part of any other authority whatsoever of interfering in the discipline of the schools, in the regulation of the studies, in the conferring of degrees, in the choice or approbation of masters" (n. 45). "Catholics may approve that mode of education of youth which is disjoined from the Catholic faith and the power of the Church, and which concerns itself exclusively, or at least primarily, with the knowledge of natural things and the ends of earthly social life" (n. 48).

In the Encyclical *Quanta cura* itself some errors are proscribed which had not been set down for condemnation in any previous Papal document. Of these the sixth is : "That domestic society, or the family, derives the whole character of its existence from civil law ; and therefore from civil law alone flow and depend all the rights of parents over their children, and, in the first place, the right to care for their instruction and education." The seventh is : "That the clergy being, as they are, inimical to the true and useful progress of science and civilization, ought to be removed altogether from the care and office of instructing and educating youth."

The Sacred Congregation of Propaganda disapproved of the Queen's Colleges as *an institution detrimental to religion*, and the Pope concurred in this judgment (Letter

of Oct. 9, 1847). The Archbishops and Bishops of Ireland, assembled in Dublin in October, 1871, issued a pastoral address to the clergy, secular and regular, and the laity of their flocks, on Irish Education. In this address they treat the subject at considerable length and with great power. I cannot afford to quote largely from it. In order to give in a few words—and those the words of the prelates themselves—their doctrine on mixed and denominational education, I will cite the first and second of a series of resolutions which they state "were passed unanimously by the Archbishops and Bishops of Ireland, at the meeting at which the foregoing address was adopted."

1. "We hereby declare our unalterable conviction that Catholic education is indispensably necessary for the preservation of the faith and morals of our Catholic people."

2. "In union with the Holy See and the Bishops of the Catholic world, we again renew our oft-repeated condemnation of mixed education, as intrinsically and grievously dangerous to faith and morals, and tending to perpetuate disunion, insubordination, and disaffection in this country."

In treating, though briefly, of the relations of the Church to society with regard to education, I may be allowed to allude to the constitutional rights of Irish Catholics as to the realization of the Catholic view. I will lay down and partially develop some principles concerning which, if rightly understood, there cannot be any reasonable dispute.

1. The Catholic religion is fully and thoroughly tolerated in these three kingdoms. Those who profess it enjoy the same civil rights as any other subjects of the British Crown. I am not forgetting the Established Churches of England and Scotland; fortunately we have done with that of Ireland, though the tithe-rent charge is to be paid for several years yet. I am not forgetting, I say, these

Established Churches, which, beyond question, are specially recognized, favoured, and supported at the public expense. We have here a politico-religious inequality, which it is beside my purpose to quarrel with just now. But, in the sense in which I am speaking and expect to be understood, there is constitutionally civil equality—an equality of civil rights—between Catholics on the one side and Anglicans and Scotch Presbyterians on the other. That is to say, an individual Catholic is supposed to be treated exactly in the same way as an individual Protestant. Neither is considered to possess any political privilege or to suffer any political disability arising out of his religion. Both are entitled to the same protection, both are entitled to be provided for alike in all temporal matters in which the State provides for the subjects of the realm.

2. The British Legislature acknowledges the obligation of making provision for education in these three kingdoms. This provision, it is admitted, ought to be proportioned at once to the wants of the people and to the national resources. There is no need of entering here into the details of either. Nor is there any need of insisting further on the obligation: Parliament is ready and willing to do as much in point of mere *degree* as we would ask for.

3. The education which the State is bound thus to provide for is secular education. At least the State *is bound* to provide for secular education, for education in the necessary and useful branches of natural knowledge, and it is with this obligation alone I have to do. For greater clearness, I will say that I speak of *non-religious* knowledge; for the term *natural* by itself may be ambiguous, more especially as some of the parties engaged in the education question recognize no religion but what they would call natural religion, and what is assuredly nothing *more*, however far it may be *less*, than such. I mean, in a

word, knowledge that has no more professedly to do with religion than, for instance, grammar and mathematics have: I say *professedly*, on account of the indirect bearing of some other branches on religion.

4. Catholics being on a par with Protestants in the eye of the British Constitution, as it now stands, with reference to all merely temporal rights and advantages, and education, as we here view it, being a temporal thing, the British Legislature is bound to meet the wants of Catholics in this respect as fully as those of Protestants. Protestants are not entitled to any preference. This obligation is more palpable and unassailable in Ireland than in the other two portions of the United Kingdom. I do not say it is more real, but it is more patent, and less liable to even inconclusive objections. In Ireland the majority of the people—the mass of the people—are Catholics. The laws regulating Irish education have been, are, and are to be, framed distinctly for Ireland, as for England and Scotland respectively. Now, there can be no plausible ground for, in any degree, ignoring, passing over, neglecting the confessedly equal rights of the bulk of the population. No statesman can stand up and say, "My plan of education must be *one* comprehensive plan, calculated as well as may be to meet the necessities of the whole country. I cannot legislate for every individual. Some parties must suffer accidentally. I would, if I could, satisfy to the full the needs of every man; but it is impossible. The Catholics must forgive me if I do not comply with their demands, which I admit to be in themselves just." What sheer nonsense this would be!

5. Since Irish Catholics, remaining Catholics, recognized as such, are equally entitled with their Protestant fellow-countrymen to be provided for by the State with reference to secular education, they have a strict right that the provision made should be one of which they can avail

themselves without acting against their religious principles, without doing any violence to those principles, without running what, according to those principles, is a serious risk of a great evil. This proposition cannot easily be controverted. Suppose, for the sake of illustration, that the State aid afforded to Catholics for secular educational purposes—or, to put it otherwise, suppose the only State aid afforded to Irish youth, Catholic and Protestant, were clogged with the condition of occasionally attending Protestant service, or joining in Protestant prayers, or listening to instructions given by a Protestant clergyman—the rights of Catholics would be flagrantly violated. Because, among those rights is that of being helped by the State in reference to education on equal terms with their Protestant fellow-subjects, and without prejudice to their religious profession, and any such condition as those just stated would be at variance with their religious profession.

The conditions I have named are closely connected with worship. Suppose, instead, that the youth in these schools were to be left exposed to be required to read Protestant controversial books, or take part in quiet controversial conversations with Protestants; such an item in the arrangement would render it grossly unjust towards Catholics, though the acts to be done would not be strictly —so to speak—un-Catholic acts. The gist of my proposition is this—that any circumstance to which Catholics seriously object, as not in accordance with their religious principles, cannot be legitimately annexed to, or combined with, a temporal benefit conferred on them by the State as a matter of right in fulfilment of their claims as British subjects.

Having stated these few principles, which I apprehend will hardly be questioned by any fair man holding to the present British Constitution, I come to apply them, or

rather the last of them, resting as it does on those that precede—I come to apply this principle to mixed education for Irish Catholics. Irish Catholics, as a body, object to mixed education as at variance with their religious views and sentiments. They object to it on the twofold ground of its being exclusively secular and of its being mixed. If mixed, it must be exclusively secular, because religious teaching of Catholics by non-Catholics would be still more intolerable than purely secular instruction. Yet this severance of mere human learning from religion is an un-Catholic thing. It is not, however, the worst element of the system. The evil to be apprehended from the admission of non-Catholic teachers into schools or colleges for Catholics is still greater. The whole plan of mixed education is opposed to Catholic views and principles; therefore the aid afforded by Government for the education of Catholics, on the ground of their claim to this aid as British subjects, if associated with the system of mixed education, is not a fulfilment of their rights.

I may be told that the whole business of the State in this matter is with secular education, and secular education is, by its nature, unconnected with religion; that religious education may be very good and very necessary, and ought not to be impeded or interfered with by the State, but cannot be provided by the State for a mixed population. I may be told that I am in reality demanding *Catholic* education, and therefore not merely *secular* but *religious* education, from a Government which most impartially makes no distinction between Protestants and Catholics, and makes no inquiries about any man's religion so as he be a loyal subject.

I reply to all this as follows:—I do not demand from the State aid for Catholics towards religious education as such, but towards secular education. I do not ask the State to

pay a shilling for lessons in catechism. I do demand from the State aid for Catholics towards secular education to be given by persons whom they are willing to trust—not by persons whom, on religious grounds, they distrust, and are bound in consistency to distrust, however unexceptionable those persons may be as members of civil society. If those teachers of secular knowledge whom Catholics trust—namely, Catholic teachers—season their instruction to a certain extent with religion, the State will not have to pay for such seasoning. Let the State, if it please, watch the teaching, and see that it is not deficient as secular teaching, for which alone the State pays. It will thus be assured that the public money is not misapplied.

It is well to observe here that the professors of literature and science in Catholic colleges, even when they are ecclesiastics, are not expected to give, and are not accustomed to give, formal religious instruction during their regular time of lectures on literature or science: that instruction is given at fixed hours, either by the same or by other persons, as a distinct work. The great motives for wishing to have the education of Catholics in the hands of Catholic superiors and masters are, that no un-Catholic teaching may find a place, that allusions incidentally made to religious subjects may be of a Catholic character, and that there may be a better opportunity for arrangements as to the religious instruction of the pupils.

The duty of the State with regard to education is not precisely to *give* it, but to *provide* for it—to afford the people the means of obtaining it. I do not say that the State is merely to disburse the funds requisite, without looking to their expenditure. I have already said that the State is welcome to ascertain that the money is applied to the object for which it is given.

The State may do very well in not inquiring about men's

religion. But if Catholics cry out to the State—"Take notice, we are Catholics, and we do not claim any privilege, any preference, on that score; but we beg of you, we require of you as a matter of justice, not to give us help in a shape in which we cannot use it. We do not ask for more than our share; but let the amount which our numbers and our wants entitle us to come in a form that will suit us. You will be none the poorer, and we shall be better off." If, I say, Catholics cry out thus to the Legislature, would it not be cruel to reply—"Good people, we make no distinctions; we neither know nor wish to know what religion you are of. That would be bigotry—almost persecution. We give you your share in that shape which *we* think the best. If you are fools enough to think otherwise, you must take the consequences."

Unsectarian Education is a high-sounding phrase, conveying—some think—a noble idea. It is a sort of echo of *Civil and Religious Liberty*. The phrase, however, is delusive in more ways than one. In the mouths of many it means very little less than the banishment of all religion, at least of all revealed religion, and that banishment they would be proud to effect. But what I wish to call attention to at this moment is that the doctrine of Unsectarian Education is no such thing as unsectarian. It is bitterly sectarian. This statement may be called a paradox, and perhaps it is a paradox in that most legitimate sense of the word, namely, a proposition apparently absurd, but really true. Let us see. These gentlemen look on all religious bodies as sects, even those to which they respectively belong, such as Anglicans, Presbyterians, &c. Be it so, I say, though certainly Catholics will never agree to think themselves sectarians or to consider any kind of Protestants as anything else but sectarians. Be it so, I say again. What follows? That every doctrine regarding religious matters,

as such, is sectarian; every religious tenet is sectarian. Now, the doctrine that secular education is to be treated as a thing unconnected with religion; that secular education is to be administered to men of every religion by men of every religion or of no religion; that differences of religion on the part of teachers are of no moment—all this is a doctrine regarding religious matters as such; it is a religious tenet, or at least the denial of one; it is a phase of indifferentism, which undoubtedly belongs to the domain of religion. The opposition between Catholics and these secularists is an opposition on a religious question, not on a question of politics, or of mathematics, or of natural philosophy, or of history. The objection of Catholics to be taught, or to have their children taught, by Protestants, or Jews, or free-thinkers is a religious objection. Catholics say their religion condemns the system; their opponents say that the religion of Catholics has no business to condemn the system, that genuine religion does not condemn it. What is all this but a religious controversy, a sectarian controversy, if we are to adopt the phraseology of our antagonists? Will they deny that our view is sectarian? Surely not. They will hold it up to odium as such. If so, is not their contrary holding sectarian too, the question being a religious one?

I may be told that Catholics do not agree in condemning the system. I reply that all who have the reputation of being sound Catholics do condemn the system as religiously inexpedient and dangerous, though they may differ as to the degree of danger and the circumstances in which a Catholic can lawfully avail himself of mixed teaching when no other is to be had. There may, too, be a few otherwise really good Catholics, who suffer hallucination on this subject; but their number is small. Catholics as a body, in conformity with the views of the pastors of their Church, disapprove and reject mixed education.

CHAPTER XIV.

Church Property.

The Church of Christ, taken in its more extended sense, that is, for the whole society of true believers, is what theologians and jurists call a *perfect community*, namely, a moral body sufficient for itself in its own order, and not a mere part of some other body, nor dependent on any other. In this sense, speaking of the temporal order, an empire, a kingdom, a republic, is a perfect community, whilst a city, a province, a colony is not such. A perfect community possesses within itself all that is required for its own government and support. It may need, no doubt, many things which are not actually produced within its territory, but it has the means of purchasing them. It manages its own affairs for itself. There are different degrees of this perfection of a community, or rather there are different degrees of approach to the condition of a perfect community. Thus a city has more of this character than a village; a province or a colony, at least in many instances, than a city. On the other hand, a so-called kingdom may not be a perfect community, as we see in the case of our three kingdoms, England, Ireland, and Scotland.

The Church is a perfect community in the spiritual order. It is complete, independent. It is not a mere part of any larger body in the spiritual order; it is not, *as such*, a part of any state or number of states in the temporal order; it is not, as to the proper affairs of its own spiritual order, dependent on any temporal state or number of states. It is a vast independent kingdom or empire. It comprises

within it various subordinate communities participating more or less of this perfection, approaching more or less to the condition of a perfect community, but in no case possessing it. We have parishes and dioceses and ecclesiastical provinces—shall I say *National Churches?* The phrase must be guardedly used in the present context. If we understand it in a merely popular sense, there are, of course, National Churches very dear to the Catholics of the nations whereof they are the Churches. A National Church in this acceptation is that portion of the Universal Church which exists in a particular country, and is made up of all the dioceses of the country. In it the fellowship of citizens is combined with that of Catholics. But it has no strictly ecclesiastical unity and completeness, unless so far as it is constituted or recognized by the Holy See as one body with a common organization, which appears from its having one Primate, or if there be but one province as in England, one Metropolitan. We have, besides, Religious Orders and Congregations, which, partly each as a whole, partly in their different provinces and houses, constitute so many communities more or less complete, but none of them simply perfect as the Church is. *

The Church is itself a divinely constituted *Corporation*, and contains a great number of smaller corporations of those two kinds which our British lawyers call corporations *aggregate* and corporations *sole*. A corporation *aggregate* is a collection of many individuals who constitute one moral person having various powers and rights and duties, exercised and fulfilled either by the whole body, or, on its part, by its appointed officers, and persevering unchanged,

* Most Orders and Congregations of *men* form each one body under a chief superior, but have several houses governed immediately by a subordinate local superior. But in many Orders and Congregations of *women* it is otherwise. The bond of union among the convents in different places consists only in the identity of the Rule and the identity of origin, without any actual present association, or subjection to a common head.

though the individuals of which the collection was originally composed may die or cease to belong to it, their places, when necessary, being filled up by others who are introduced according to certain rules laid down. We have abundant examples of this in municipal and other bodies incorporated by Act of Parliament. A corporation *sole* is an individual who, in virtue of a post which he holds, is conceived to possess an official personality with certain powers and rights and duties annexed to it, and which passes with those powers and rights and duties to his successor in the same post, the natural person of the man being, under this respect, merged in the official person. We see this exemplified in the bishops and rectors of the Established Church of England. Corporations, whether aggregate or sole, never die—that is to say, they do not die by the mere death of the men, one or many, who constitute them for the time being. They may, of course, be put an end to by a competent authority, or they may *die out* by the failure of necessary substitution.

Well, then, there are many corporations of both these kinds in the Catholic Church. They have their charters from God through the Sovereign Pontiff, and are not dependent on the civil authority for their existence as true ecclesiastical corporations, though there are advantages derivable from their being recognized, as they ought to be, by the State. It is easily understood that the corporations aggregate, of which I have been speaking, are identical with some of the communities mentioned already, and the corporations sole are bishops, parish priests, or other specially qualified individuals of the clergy. The whole of this organization has come to the Church from her Divine Founder, proximately or remotely, without the need of any extraneous intervention. It is all the work of Christ and of the Church herself, so far as authority is concerned.

Our Lord furnished her with whatever was necessary under this respect. But there is one thing wherewith He did not furnish her, and yet which is requisite for her work. This, however, was not forgotten nor neglected, nor left by Him without provision made for it. He knew it would be wanted; He knew it would be forthcoming, and He took care it should accrue to her, though not given by Him. The Church does not, by virtue of its institution, actually possess what is called *property*, and yet it cannot go on, much less can it flourish, without property. Its ministers must be supported, and enabled to effect objects which cannot be effected without worldly means. To meet this requirement, besides that spirit of love and generosity with which God inspires the faithful, and especially some amongst them, there are two rights conferred by Him on the governing Church, and which may with all propriety be called *divine rights*. One is that of *being entitled* to a competent amount of temporal support from their spiritual subjects, and even of exacting that support as the fulfilment of a conscientious obligation. The other is that of *holding* and administering property otherwise legitimately bestowed by those Christians who, in their natural and civil capacity, have such goods at their disposal.

The pastors of the Church are entitled to receive sufficient material help from the faithful. The duty of affording this is imposed on them by Divine law—in truth, by Natural law; that is to say, by what is called *hypothetical* natural law, the meaning of which—in the present matter—is, that, supposing the establishment of the Church, supernatural as it is in itself, the faithful come, from the nature of things, to be bound to give that pecuniary aid which is required for the maintenance of its clergy. This obligation is also a matter of Divine positive law sufficiently indicated in the Scripture and taught at all times in the

Church. The Pastors, too, are authorized to insist on the discharge of this obligation. Even where what is called the *voluntary system* is followed, either wholly or partially, the duty of contributing to the support of the clergy continues.

But, besides the right which is correlative to this duty—this conscientious obligation—there is another really distinct from it, and to which I have already alluded. Many of the faithful endow the prelates and ministers of the Church, and ecclesiastical establishments of various kinds, with goods which the donors might lawfully dispose of otherwise, so that, antecedently to these endowments, there was no right to demand them. But, once given, they are held by a title at least as strong as that whereby laymen hold whatever is justly theirs. By the *divine right* of which I have spoken, with reference to this property, I do not mean a directly divine title to the goods possessed even when they have been acquired, but a divinely derived qualification to be the owner of the goods, so that, in the first place, the moral personality of the Church, or of an ecclesiastical body, or of a prelate or minister of the Church as such, is sufficient to sustain a real ownership in conscience, without dependence on any recognition by the State, of moral personality; and that, in the next place, the State cannot justly deprive the moral person of the property so held any more, at all events, than it can deprive a physical person, that is a private individual, of what belongs to him. It is with a view to this doctrine that I have spoken of the various corporations which the Church comprises within itself.

Further, the State cannot justly or validly—so far as conscience is concerned—interfere with the subordination of any such moral person to a higher ecclesiastical authority with regard to the administration of the property in ques-

tion. Suppose, for instance, that a certain fund is bestowed on a parish priest, to be employed by him and his successors for parochial purposes, the State cannot validly—in conscience—authorise the transmission of the fund to the present priest's relatives, nor interfere with the canonical intervention of the Bishop as regards the disposal of the fund. The nature and incidents of the ownership depend on the constitution and laws of the Church, whether these be recognized—as normally they ought to be—or not by the State. The State may have the physical power or the legal power, so far as its own laws are concerned, to interfere, and contravene canonical ordinances or decisions regarding the Church's goods; but this power, though it often cannot be effectually resisted, and may be taken advantage of by interested parties, has no binding force in the eyes of God or of conscience. It may often be the duty of ecclesiastics to submit to the action of the State in such cases, not because that action involves or creates any real right, but because a higher law forbids violence, and imposes the obligation of rather suffering injustice than pursuing a course which would lead to still greater evils. Prudence, likewise, dictates that the title of the clergy to retain and dispense Church property should be invested, as far as possible, with the conditions required to give it effect in the eyes of the law of each particular country.

Ecclesiastical property cannot be truly or justly considered *public property*, that is to say, property belonging to the State, or subject, in virtue of its peculiar character, to administration by the State. Neither the Church nor its corporations are Government institutions; they do not form a civil department; they do not owe their origin to kings or parliaments. The goods they possess have not come to them, for the most part, from kings or parliaments, and wherever these goods have, in any degree, come from

kings or parliaments, they were gifts, endowments, henceforth belonging, not to the donors, but to the dioceses or monasteries or other bodies on which they had been conferred. I do not speak now of annual grants, nor of continuing civil titles to levy tithes or other payments. These are successive new donations, the mere cessation of which does not imply the taking away of anything actually appropriated and enjoyed. I do not, I say, speak of such subventions, because I cannot go fully into the subject, but must keep comparatively on the surface, and I wish to avoid complications. But, assuredly, the withdrawal of such subsidies as I have alluded to may often be blameworthy on the ground of faithlessness to promises and on other grounds. Its absolute injustice is most palpable where the yearly allowance is expressly or tacitly assigned as a compensation for Church funds iniquitously appropriated at some previous time, or where the allowance is rendered necessary by such previous appropriation on the part of the State; or even, without these circumstances, where the Church has been robbed, and full restitution has not been yet made.

Confining myself, at present, to property which has passed completely into the hands of the clergy as such, the secular authority has no legitimate power of taking it away and employing it otherwise. The Church, as represented by its corporations, has the strictest title to keep what it has lawfully got. Those who made it over to the Church did not intend it for the State, and where the State itself was the author of the endowment, it was *a giver* and not *a lender,* and the purport of the proceeding was to make the Church the thorough owner, not a mere agent. Besides, in reality, but a small proportion of the goods of ecclesiastical persons as such, or of ecclesiastical bodies, has been derived from governments. Even the endowments made

by kings are not, as a matter of course, to be set down as official acts of nations through their rulers.

It is needless to say that the principle I am stating has been many times ignored at various periods; among the rest in our own day, in several countries, in different ways, on different grounds, with different pretexts, but always unjustly, invalidly as regards conscience, sacrilegiously, because the rights of the Church are sacred rights. Sometimes the spoliation has been an act of avowed hostility to the Christian or Catholic religion. The religion was condemned as an evil thing, a pest to society, as an iniquitous institution which could not, of course, have a claim to exist at all, much less to be supported from any source. Whatever might be thought of the private possessions of those who professed it—and these were often invaded as well—the religion itself, or the Church with which it was identified, could not be allowed to enjoy and turn to its own mischievous purposes any part of the wealth of the country. Criminals as criminals could surely have no such prerogative. This is intelligible and consistent, and if the charges had been true, could not be found fault with. But where the Catholic religion is fully tolerated, or put on a perfect par with other creeds, or even declared the religion of the country and of the State, the case is very different.

The motives for spoliation are easy to find. The most obvious is desire to have the goods in as great amount as may be. Another motive akin to this, and which I call *another* because it may be turned into a pretext, is want of money, deficiency of funds. The ruling power says: "We are in distress, we are in difficulties, and there we see large amounts swallowed up by priests and monks, rendered useless, wasted on objects that cannot be compared with those we have to attain. This must not be. We will utilize these ill employed revenues." This plea may be

ingeniously worded, developed, set off by a thousand calumnies on the one side, and appeals to love of country and to laudable desires of public prosperity on the other. But the plea is after all weak and unsubstantial.

First of all, the expenses to be met are often reckless and far from being really profitable to the nation. Then, however that may be, ecclesiastical property is surely not the only source whence help can be got. Those whose turn it is to despoil the Church never wait till other expedients are exhausted. One element of the theory on which they proceed is that the Church has not the same right to what it holds—to what it has most legitimately and even legally acquired—that other proprietors have. They would not think of treating private men, however rich, or even mere lay corporations, in the same way. They look on the Church as fair game, and they hardly seek to dissemble this. They have *no authority* to pronounce on the utility or inutility of the revenues which the Church possesses. Those revenues belong to the Church as much as any individual's revenues belong to him. The Church is not more amenable to the temporal authorities in this regard than laymen are. I have said *not more;* I add now that the Church is *less* amenable, on account of its sacred character, on account of that position which God has given it in the world.

The State, besides, is not *qualified* to pronounce on the utility of those objects to which ecclesiastical revenues are applied. The end of the Church and of its corporations is a spiritual end, an end which cannot be thoroughly prosecuted without material means, but yet a spiritual end, which men of the world are not ordinarily competent to deal with, and not unfrequently fail to appreciate. Laymen do, no doubt, often appreciate it to some extent, and this it is which has led so many of them to devote so large a portion

of their wealth to the Church. It is not the proper province of statesmen to determine what course the Church and the clergy should follow, what works they should do, what means they need to carry out those works, at any rate where the means are not asked from the State. It is not the business of the temporal Government to settle the number of the clergy, secular or regular, nor to appoint their occupations, unless in a limited degree where they are employed and paid by Government as officials. Certainly a gaol chaplain or a military chaplain could be called to account for absence or neglect of his charge.

I am free to admit that ecclesiastical men or institutions may sometimes be too rich, unwholesomely so for themselves, though the mischief comes not directly from the amount of wealth, but from its misapplication, since worthy ways can always be found of spending it. But, without entering into distinctions, I admit simply there may be abuses in this regard, and abuses that can be seen and known and justly deplored by laymen. What then? Has the State, even in these cases, a right to despoil the men or the institutions of what is, after all, their own? Certainly not. It is the business of the Church to reform her own members and institutions. The State dares not interfere with the extravagance of laymen, so long as they are not lunatics and keep within the law. Even, therefore, where abuses clearly exist, the State cannot meddle, cannot confiscate Church property. The principle which would allow this, besides being false, is ulteriorly dangerous; because if the State could interfere thus in clear cases, there would be no tangible ground for preventing its interference in other cases too, nor for preventing its institution of vexatious inquiries.

To return to the plea of necessity: I say this plea is not valid. It is never made simply and by itself; a real

pressure is not waited for; the necessity is not such as could even apparently justify an invasion of property which in no way belongs to the State, much less an invasion carried so far as such invasions are carried. I may add that in cases of real necessity, where the State has good ground for seeking material help from the Church, this help is not refused. Another motive which governments have for despoiling ecclesiastical corporations is a jealous unwillingness that these corporations should possess wealth, an unwillingness which is part and parcel of that ill-feeling which the world—the world condemned in the gospel—entertains against religion. The Church, too, is weak; the Church can be preyed upon with comparative impunity.

The public good is alleged as a justifying cause for taking away property from the Church. And yet the public good suffers much by the proceeding. Church endowments, even where there may be or have been abuses, were and are turned largely to the account of charitable relief to the distressed: relief afforded in a way and in a spirit very different from what are to be expected or found in the action of most secular governments; not as a dry matter of business, not for the sake of appearance or convenience, not as the necessary fulfilment of a civil duty, not stiffly or grudgingly, not with a wasteful expenditure on officials—but from sentiments of charity, and in a truly compassionate, and reasonably economical, manner. The monasteries in these our own countries helped the poor quite otherwise than they are helped now. The Church, too, besides relieving the indigent in their corporal wants, has always been a friend to learning and to the fine arts, and has made her resources available in these directions.

Some secular governments, using their power and following the bent of their bad will, have lately pursued and do

pursue their course of iniquity in robbing the Church. We have a prominent specimen of this in the kingdom of Italy. We see there not only invasion of ecclesiastical property, but the most heartless depredation. There is one reflection which it is worth while to make, and repeat, and repeat often, with reference to this and other public offences against rights, namely, that they are not the less guilty because committed on a great scale, nor yet because they are committed in the name of the law, which after all is not law otherwise than in name, for a law *real* and at the same time *unjust* is an impossible thing, since justice enters into the true conception of a law. Mr. Gladstone is shocked at the Pope's having annulled "the law for the suppression of monastic Orders and appropriation of their properties . . . . passed in the kingdom of Sardinia (in 1855) on the simple ground of his Apostolic Authority . . . and all other laws injurious to the Church," and having excommunicated all who had a hand in them; and calls this *invading the province of the civil power!** Such laws did not need to be annulled. They were null already. If the Pope used the word *annul*—which I am not able just now to say—it was equivalently in the sense of *declaring* the proceedings null. Then, the Pope inflicted a spiritual penalty for a great crime—sacrilegious rapine. Was there anything so outrageous in this? The Council of Trent did not take this view.†

All men join in condemning highway robbers and fraudulent dealers, and those lower classes of thieves, pilferers and pick-pockets; indeed, the view the law takes of some of the acts of such offenders in our own countries is fearfully, not to say pharisaically, severe; and yet wholesale spoliation, especially of the Church, is looked on in quite a different light. The men who commit it are reputed

* "Vaticanism," pp. 88, 89. † Sess. 22. De Reform, c. 11.

honourable members of society, whilst their conduct is in truth more guilty, more foul, more immoral, than that of those whose dishonesty consigns them to our docks and our prisons.

Should any Protestant chance to read what I have just written and remark that the same principle applies to the disendowment of the Irish Church, my answer is, that the Irish Disestablished Church, like the English Established Church, was of its nature a State institution and nothing more. *All* its rights came from the British Legislature, and so did its property, with the exception of private endowments, for which provision was made in the Irish Church Act, 1869, section 29.

CHAPTER XV.

The Teaching of the Church.

I HAVE already spoken of the Church's office of teaching,* and of the prerogative of Infallibility† connected with that office. I now propose entering further into the consideration of the matter, the nature, and the mode of teaching on the part of the Church. I will also dwell on some circumstances relating to the Infallibility, more especially of the Roman Pontiff. Recent discussions give additional interest to the whole of this branch of my subject; though, even independently of these, I should have considered its development desirable. It has been said before that the matter of the Church's teaching is the whole doctrine of Faith and Morals. I dwelt particularly on the latter department, to which I shall have occasion to return. In the meantime, I will, at once, proceed to some explanations about Faith, which may serve to throw light on what is to follow.

Actual Faith, or an act of Faith, is a supernatural and most firm assent to truths revealed by God, on the authority of God revealing. This assent is supernatural, not only in its motive, but in its principle, namely, Divine Grace, and in its own essence, which is of a higher order than that of any natural judgment. This supernatural character, however, of an act of Faith is not necessarily perceptible. We have not an experimental knowledge of it. We have every reason to be satisfied that our acts of Faith are of this intrinsically Divine kind, but we do not, so to speak,

* *Ante*, p. 35. † *Ante*, pp. 42, 43.

see that it is so. We are explicitly conscious of believing, and believing firmly; yet we do not perceive the distinguishing excellence of the assent. Faith, too, is free, not in the sense that we can lawfully withhold it from Divine revelation sufficiently proposed to us, but that our understanding is not forced to assent, as in the case of self-evident natural truths, which we cannot help admitting, as that a whole is greater than any of its parts, that we are surrounded by light in the daytime, that Rome and Paris exist, though we have never visited either of them. We are free to believe or not, as we are free to sin or not, though we are not entitled to sin. The immediate motive or ground of Faith is the authority of God revealing. A variety of reasons, or even of arguments, may serve as preliminaries to Faith, but the act itself rests on the authority of God; and no amount of mere rational certainty about some of the same truths which we believe can hold the place of *Faith* on the testimony of God by revelation. Christian Faith consists in believing revealed truths *because* they have been revealed by God. So much for *actual Faith*.

Habitual Faith—or the virtue of Faith—is a permanent supernatural gift infused into the soul, whereby we are specially qualified to make acts of Faith. Though called *habitual*, it is not a habit acquired by repeated acts, but comes directly from God. Children receive it in baptism, though not as yet capable of using it, and are truly enrolled among the *Faithful*.

The consideration of Faith naturally leads us to that of *Infidelity*, which is opposed to Faith. Infidelity, in its Theological acceptation, is a generic term. Divines recognise three principal degrees of Infidelity, namely—the rejection of all supernatural revelation, and this goes by the name of *Paganism*, irrespectively of idolatry or other errors with which it may be combined; the rejection

of the New Testament, while the Old Testament is admitted, which is *Judaism;* and the partial rejection of the Christian revelation by a denial of some of its doctrines, and this is *Heresy*. Wilful Infidelity is a sin. That which is inculpable is called *Negative Infidelity*, and is chiefly spoken of in connection with those among whom the Gospel has not been preached. The popular sense of Infidelity coincides pretty much with that of the first of the three species I have enumerated as assigned by Theologians. Those who admit no supernatural revelation are called and considered Infidels, and they alone are so called and considered. I am content to speak in this sense, whenever I may have to use the terms Infidelity and Infidels. I would observe, in passing, that among those who give what may be called a civil adhesion to various Christian sects, and even occasionally, though not perhaps in these countries, to the Catholic Church, are found men who deserve to be classed, and indeed sufficiently class themselves, with Infidels, manifesting unmistakably their disregard of all revealed doctrines, while others often use expressions that point in the same direction and afford good ground for suspecting them of similar principles.

As the words *heresy* and *heretic* are of frequent occurrence in religious discussions, it will be useful to fix their meaning and correct application, which admit of some little variety. The *sin* of heresy, according to Theologians, consists in the pertinacious rejection of one or more doctrines of Catholic Faith by those who profess to admit the Christian Religion. The *pertinacity* of which there is question here does not imply perseverance or continuance, but the degree of wilfulness dependent on the degree of the proposition of the doctrine to the person, which is such that it is placed well within his reach, within the reach of his knowledge, so as to take away the plea of ignorance—

even culpable ignorance. It is needless to say that culpable ignorance does not excuse from guilt, and very often even from grievous guilt, though the transgression is somewhat less than it would otherwise be. But the precise nature of this particular sin of heresy lies in a very decided wilfulness. Mortal sin against Faith can be committed without reaching the grade of heresy. This may be illustrated from the crime of murder, as viewed by the law of the land. Murder, in its legal acceptation, involves a particularly notable amount of malice, the absence of which by no means necessarily exempts the accused party from severe punishment. He may be still held accountable for killing his fellow-creature; and manslaughter, as it is called, is often visited with a very heavy penalty, though less than that which is inflicted for murder. It is not required for heresy that the person should actually recognise the Divine revelation of that doctrine which he refuses to believe. Few men are so wicked as *explicitly* to give the lie to God. But, as I have said, the doctrine as revealed must be placed within his reach.

The doctrine, too, must be of *Catholic Faith*, that is to say, it must not only be contained in the body of revealed truth, but must be proclaimed by the Teaching Church as therein contained. It must either be *defined* by a Council or a Pope, or else, without a definition, it must be preached so decidedly, and so constantly, and so universally as a revealed doctrine that the voice of the Church propounding it is unmistakable. I have said elsewhere that dogmas may be quite sufficiently proposed by the Church to the Faithful without being defined, and that some which have been defined were so proposed antecedently to their definition.* A doctrine may be so manifestly contained in the Scripture that the proposition of the Scripture as the

* *Ante*, page 36.

Word of God is a sufficient teaching of the doctrine as revealed. When we say a thing is *of Catholic Faith*, we mean that it is *entitled* to be believed with that assent which has been described as constituting an act of Faith; that it has been so thoroughly and finally promulgated as a revealed truth that all are obliged to receive it and believe it on the authority of God; that in its explicit and developed form, and not as merely contained in the general deposit of Faith handed down from the Apostles, it has a special place in the Church's profession of Faith. Many things which are of Catholic Faith are not known expressly by all the Faithful; but all the Faithful believe in general terms *whatever the Church teaches* to be revealed truths, and in the form in which she teaches them. Hence, their belief of those dogmas of Catholic Faith which they have not heard in so many words, though personally on their part implicit, really takes in the same dogmas according to the explicit shape which they have in the Church's profession, and nothing is wanted for the personal explicit belief of them but the intimation of their having been distinctly proclaimed by the Church. It can even happen that a good Catholic, unaware of the Church's teaching on a particular point, may innocently think the opposite of what she teaches; but that is a mere accidental mistake which does not interfere with the soundness of his Faith.

A distinction is made between *Catholic* Faith and *Divine* Faith: a doctrine is said to be of *Divine Faith* though not of *Catholic Faith*. It is not at all difficult to understand that one or more individuals may believe with Divine Faith a revealed truth which they see with certainty to be such, though it be not promulgated by the Church so as to make it of Catholic Faith. I am, however, inclined to think these cases are rare. But how can a doctrine be itself classed as *of Divine Faith* and not *of Catholic Faith?* One

meaning, and a true meaning, of the phrase is that the doctrine has been in reality revealed, and is therefore a proper object of Faith, needing only to be duly propounded in order to its becoming of Catholic Faith. But those who state things to be of Divine Faith appear at times to imply more than this. The view they take comes perhaps to this: that the revelation of a doctrine, though not as yet propounded by the Church so as to make its belief obligatory under pain of heresy, is so plainly established that a well-informed and consistent Catholic can hardly reject it without running counter to the Faith. There is also, perhaps, this further meaning, that the Church *almost* teaches the doctrine as revealed—not that the Church has *almost defined it*, for this is not very intelligible, and a definition is not the only mode, as we have seen, of teaching a doctrine as belonging to Faith; though once a doctrine is seriously controverted among Catholics, nothing short of a definition is likely to settle the question. When, therefore, a doctrine is said to be of Divine though not of Catholic faith, the idea conveyed may sometimes be not merely that it has been revealed, but that this has always been, or has become, peculiarly patent, and that the Church goes near preaching it as a revealed doctrine, though she may not have formally pronounced, not only on the revelation, but even on the truth, of the doctrine, nor expressly condemned the opposite in any shape. But, after all, such a qualification of a doctrine ordinarily, not to say always, remains a matter of opinion, and may be questioned with impunity by many, who hold the doctrine to be true; while in some instances the truth of the doctrine is denied with equal impunity. Certainly the denial is not heresy in the eyes of the Church, though it may be so in rare instances before God, not because the thing is *said* to be of Divine Faith, but because its

revelation is made sufficiently manifest to individuals, who, notwithstanding, pertinaciously shut their eyes against the light. But instances of this kind are quite exceptional. As a rule, the sin of heresy is not committed unless by the pertinacious rejection of a truth *of Catholic Faith.*

If the rejection be not pertinacious, in the sense explained, there is no imputable sin of heresy committed, but only what Theologians call a *material sin*, that is to say, a forbidden act the prohibition of which is not known. Dr. Newman, in his letter to the Duke of Norfolk, has given an amusing illustration of the sense in which this word *material* so applied would probably be taken by those unacquainted with Theological language.* Nothing is more common among Divines than to speak of *material sin, material heresy, material heretics,* in contradistinction to *formal* sin, heresy, heretics; the latter expressions being intended to indicate the accountableness of men before the tribunal of God for the acts of which there is question. It is well, however, to remark, as regards the present subject, that, even where there is not formal *heresy*, there may be formal *sin* against Faith, as I have already intimated, namely, in the case of culpable ignorance. The term heresy is used also to signify the false doctrine itself which is opposed to that of Catholic Faith. We speak of *heresy* in a generic sense, of *a heresy*, of *heresies*, of *heretical propositions*, statements, books, without direct reference to persons.

The formal sin of heresy, the actual, imputable guilt of heresy, deprives the person who commits it of the habit or virtue of Faith—if he previously had it—and, so long as he perseveres in the same disposition, he is incapable of habitual Faith, and also of a genuine act of Divine Faith. The man who heretically denies one doctrine can believe

* Pages 93, 94.

no other with true Christian Faith. He may *hold* other Christian doctrines sincerely, and seem to himself to believe them as he ought. But his Faith is not really Divine.*

To sum up what I have said about *heresy* and *heretics*, so far as the terms are concerned, it appears that heresy is the rejection of a doctrine of Catholic Faith. If this rejection be *pertinacious*, or wilful in the sense explained, there is the imputable sin of heresy; otherwise there is not. Therefore, to qualify the rejection of a certain doctrine as *heresy* is not necessarily to charge the person or persons who reject it with the *sin* of heresy: to qualify a *statement* as *a heresy* or *heretical* is not necessarily to charge with the sin of heresy the party who makes it. When we talk of *heretical doctrine*, we do not, as a matter of course, mean to say that those who profess it are heretics before God. It is the same when we speak of *heretical sects;* we do not pronounce judgment on all their individual members. It is the same, again, when we call Protestants *heretics*. On the other hand, there are cases where ignorance is pretty obviously out of the question, not on the general ground of learning and ability, but on that of previous education and profession, and, in such cases, the terms have naturally a different force.

It will be well here to explain briefly what is meant by a *Theological Note*, as Divines call it, attached to a proposition condemned by ecclesiastical authority as doctrinally wrong. *A Note* is a word or phrase employed to indicate the particular kind of evil character attributed to a statement concerning Faith or Morals, and on account of which it is proscribed. Thus a proposition is condemned as *heretical* or *erroneous*, or *savouring of heresy* or *error*, or *schismatical*, or *impious*, &c. It is not my intention to go into these and many other Notes, the precise force of which

* This is the common opinion of Theologians.

respectively is discussed and developed by Theologians. The Note of *heresy* implies, as is obvious from what I have been saying, that the opposite doctrine is of Catholic Faith. What kind of opposition this must be I will state just now. In the meantime, I will observe that this Note holds the highest place. It is the worst Note, so to speak, with which a proposition can be visited. It may be intensified by association with other Notes, especially that of *blasphemy*. But it stands at the top of the list of Notes.

In connection with this relative position of Notes, I may mention a remark of Mr. Gladstone in his rather harsh article on "The Speeches of Pope Pius IX." "The Holy Father," observes Mr. Gladstone, "says (1.286) 'In Rome not only is it attempted to diffuse impiety all around, but men *even* dare to teach heresy and to spread unbelief.' Now, as impiety proper is the last and worst result of heresy or unbelief, it is strange, at first sight, to find it placed on a lower grade in the scale of sins. But, when we remember that in these volumes it simply means Italian liberalism, the natural order of ideas is perfectly restored."* Of course, the Pope is not here engaged in attaching Theological Notes to condemned propositions. But, even so, his words are not open to the criticism to which they are subjected. *Impiety* may be taken either in a restricted sense for language or conduct injurious to God as our Father, or to his representatives, especially the Roman Pontiff, or to our natural parents; or, in a wider sense, for disrespect to God, to religion; or more widely again, for all great offences against God, all wickedness. Now if it be understood in a confined meaning, heresy and unbelief are something worse still. If it comprises all wickedness, heresy and unbelief are within its range, but are a very advanced degree of it, and thus heresy and

* *Quarterly Review*, January, 1875, p. 281.

unbelief are something more than is implied by the mere mention of impiety. Certainly wickedness is a comprehensive term enough. It includes all kinds of very considerable misdeeds. Yet we can say of a man, he is *not only* wicked—he is a murderer. No doubt murder is wickedness, but there may be a good deal of wickedness short of murder. What Mr. Gladstone means by impiety *proper*, I do not exactly know; but I do know that heresy is a very horrible thing, a great offence to God—one of the greatest that can be committed—and the spreading of it is worse still. The truth is that the evil of heresy is not appreciated by many as it ought.

Mr. Gladstone is offended at the place the Pope assigns to Italian liberals, and, among the rest, at their being denominated impious, though, on the other hand, it would seem that this very application of the word to such a respectable set of men mitigates, in his eyes, what would otherwise be the terrible odiousness of the idea conveyed. Impiety, he appears to say, signifies in the Pope's mouth Italian liberalism, and, therefore, no wonder there should be other things a great deal worse. "The natural order of ideas is perfectly restored." Now, without discussing the exact sense of the word liberalism in Mr. Gladstone's vocabulary, or any other, it is an undoubted fact that a large proportion, at least, of those who call themselves liberals in Italy are patently irreligious; that several among them publish, while others encourage, blasphemous writings and prints; that sacred persons and things, held in veneration by the mass of the Catholic people, are turned into ridicule; that the parliament, which is a fair exponent of the sentiments of, at least, a large proportion of the liberals, makes laws and sanctions acts which good Catholics through the world look on as sacrilegious. The constituted authorities forming, or representing, the execu-

tive, and the municipal authorities, are not backward in carrying out this legislation, and doing work of the same kind on their own account. I should be very sorry to think that Mr. Gladstone approved of a great deal of what goes on through the action of the liberals. Some part of it, no doubt, he looks on favourably; another part—I don't say the whole of the rest of it—not as unfavourably as Catholics do. But the Pope cannot be expected to take the same view as a Protestant, which Mr. Gladstone *is*, much less as an infidel, which Mr. Gladstone *is not*.

I must not indulge further in this digression, but say at once the little that remains to be said, for the present, about Theological Notes or *censures*, as they are also called, though of quite a different character from the ecclesiastical penalties which go by the same name. I alluded to the kind of opposition which is required between condemned propositions and the truths inferrible from their condemnation. Logicians, in discussing the opposition of propositions, speak, among the rest, of *contrary* and *contradictory* opposition. This is the only distinction we have need of considering here. One proposition is said to be the *contradictory* of another, when the former denies precisely what is affirmed by the latter, or affirms precisely what is denied by the latter neither more nor less; whilst a *contrary* affirms or denies more than is respectively denied or affirmed by its opposite. To give a trite example—these two propositions are contradictory of each other: All men are good; Some man is not good; these two are contrary: All men are good; No man is good; or even, *Some men* are not good; for *one man* is enough, and more than one more than enough, for the contradictory opposition. Contradictory propositions can neither be both true nor both false; contrary propositions cannot be both true, but may be both false, as is obvious in the illustration

given. Applying this logical doctrine to the matter in hand, every proscribed proposition is set down as false; for it is not intended to condemn the truth. Falsehood, or falsity, is one of the Theological Notes often used; but, whether used or not, it is implied and contained in every one of the others. Well, then, a proposition being declared false, its *contradictory*, which cannot be false too, is equivalently declared to be true, and we have the same authority for the truth of the one as for the falsity of the other. But the *contrary* proposition need not be true, and we have not the same authority for its truth as for the falsity of that which is condemned.

I have said that every condemned proposition is set down as false. The meaning of this is not that the proposition may not be true in some possible sense, but that it is false in the sense in which it is condemned, and that sense is to be ascertained, partly from the words as they lie, partly from the context in which the proscribed proposition is found. Generally speaking, the sense in which the proposition is taken, and in which it is condemned, is sufficiently ascertainable without reference to the context of the book or writing from which it has been extracted, though that context may afford additional light, more especially where there is any ambiguity. Sometimes propositions are proscribed without any allusion to particular authors or to anything else that can serve to explain them, and, in these cases, the meaning must be such as can be reached independently of extrinsic help, at least by Theologians. We have instances of this kind in the long lists of propositions condemned by Alexander VII. and VIII. and Innocent XI. commonly to be found prefixed to Treatises on Moral Theology.

There are condemned propositions which convey exaggerated statements concerning the truth or falsehood of

certain doctrines, and in which the censure may fall only on the exaggeration, so to speak. Take, for instance, this proposition condemned by Alexander VIII.: "The assertion of the authority of the Roman Pontiff over an Ecumenical Council, and of his infallibility in pronouncing on questions of Faith is futile, and over and over thoroughly refuted (literally, uprooted—*convulsa*)." What seems to be precisely condemned here is the alleged futility and thorough refutation of the doctrines alluded to. The simple denial of those doctrines would not have been clearly opposed to the condemnation, and in fact those who denied them were not conceived to hold the condemned proposition, which still undoubtedly went some way towards sustaining the prerogatives in question.

As to the manner of applying Theological Notes, sometimes one proposition, or each of several, is definitely qualified and its special evil character determined by the annexation of a particular note or of several Notes; in other cases a series of propositions is proscribed with a general statement premised or subjoined that they are respectively *heretical*, *erroneous*, &c., without a specific determination regarding each. In such case this much is made known; that each of the propositions deserves one or more of the Notes enumerated, and that each of the Notes is deserved by one or more of the propositions.

Lastly, it is to be observed that the *prohibition* of a proposition is quite another thing from its *condemnation*, and may occur with reference to a proposition perfectly true but inexpedient to be used at a particular time.

CHAPTER XVI.

The Definition of Papal Infallibility.

In the subject matter of the Church's teaching the doctrine of Papal Infallibility is an important item—important from the greatness of the prerogative declared—important in its bearings on other doctrines—important in certain results to which it has given occasion—important on account of the interest it has excited and the discussions it has raised. Of the nature of the Pope's Infallibility I have spoken elsewhere,* and I see no occasion to add anything here. I will confine myself to the dogma *as such*, and its definition considered with reference to the past, the present, and the future.

Before the definition, how did Catholics stand as to the recognition of Infallible teaching on earth regarding religious truth? All Catholics admitted, as part of their Faith, that God had constituted an unerring tribunal whose voice was to be listened to as His own: that this tribunal was within the boundaries of the *Teaching Church*; that the Teaching Church itself could not propound falsehood in Faith or Morals; that whatever the Teaching Church taught or should teach in Faith or Morals must be true. Whether there was or not, within the limits of the Teaching Church, an authority, not coextensive with it, possessed of this great gift of inerrancy was a somewhat disputed point. How long disputed, how widely controverted, we need not just now consider. All were agreed on the Infallibility of the Teaching Church; all were agreed that the Teaching

* *Ante*, p. 42.

Church, taken as a whole, could not err. What, then, was the Teaching Church—as we are speaking of it in the present context? The Roman Pontiff in conjunction with the other Bishops. Neither the laity, nor even the second order of the clergy (namely priests), much less the inferior grades of the clerical body, entered into the constitution of this great tribunal. All Catholics held, as part of their Faith, that the Bishop of Rome was the Head of the Teaching Church as well as of the whole Church of Christ; that he was the Vicar of Christ, the divinely constituted Supreme Pastor of the whole flock, the centre of unity, the permanent chief official Teacher of Christians, specially charged with the maintenance of sound doctrine throughout the world; that he was peculiarly entitled, and bound, to speak to all in matters of Religion; that his authoritative addresses to the whole body of the Pastors or of the Faithful could not be regarded as undue meddling and assumption, as they certainly would if attempted by any other Bishop, but were to be received with respect, and carefully pondered, seeing that they come from one who had a right to put them forth. All this all Catholics admitted.

But then came the question, was it possible that the Pontiff could be mistaken in these solemn teachings, that he could solemnly propound false doctrine? It was unlikely; but was it *possible?* was the truth of his definitions guaranteed by the promise of God? On this question all Catholics were not agreed. Those who admitted the possibility of error on the Pope's part did not cease to be recognised as Catholics. Some Theologians were, no doubt, hard on them, or at least on their opinion, but the Pope himself did not treat them as cut off from the Church by heresy, or even as maintainers of a condemned error. That their view was wrong and in reality opposed to revelation, we all know now; but looking back to that

previous time, without entering into any discussion as to their numbers or their reasonableness or their consistency, or what might have been the practical results of their doctrine in particular contingencies, or what was the character of other opinions held by some of the same men, but considering them merely as deniers of the Pope's Infallibility, I will class them with the mass of Catholics of their period. This once done, the inference is that the *only* Infallible Tribunal recognised in common by *all* Catholics was *the Teaching Church*, namely, the Bishops with the Pope at their head. Here it is necessary to determine another point, namely, *what* Bishops are to be understood? Not, certainly, all who might choose to call themselves Bishops, or might be called so by one or more sections of Christians. Nor yet all who really had episcopal orders, but those only who belonged to *the Catholic Church*—those who belonged to *the Roman Communion*—those who recognised the Pope as the divinely constituted Head of the Church, and were joined with him as the centre of unity. Heretical and schismatical Bishops were outside of the Teaching Church admitted by Catholics. Catholics never accepted the theory of branch Churches. Their Faith condemned it.

Having now before us, in sufficiently clear terms, the common Infallible tribunal admitted by all Catholics before the recent definition, we must next consider in what way that tribunal could be brought to bear, and was in point of fact, when occasion required, brought to bear, on any controversy which needed a final decision. The modes of operation were substantially two. I say *substantially*, to avoid varieties of detail, which, however, I may allude to sufficiently in passing, without drawing up a list of them. The Teaching Church, when pronouncing judgment on a question of Faith or Morals, may either remain dispersed,

each Bishop continuing at home, or it may be congregated in an Ecumenical or Universal Council. The first of these two ways does not exclude local synods of Bishops in different countries or provinces, when they find it convenient to meet and confer on the subject or subjects to be pronounced upon. The Roman Pontiff may either consult all the Bishops by letter, and issue a solemn decree in conformity with the judgment of all, or of the greater part of them, or with the assistance alone of his cardinals and others in Rome he may issue a similar decree, which, being communicated to the Catholic Bishops of the world, is accepted by them, or the greater part of them, either expressly or tacitly, by not contradicting it. For, as I have said, the Pope (abstracting from his Infallibility, from which I *do* abstract at present, and speak, for the moment, as a Gallican of a century ago) is an authorised teacher of the whole Church, and whatever he solemnly propounds in this capacity cannot be treated with indifference. Either it is rejected or silence gives consent. Here we have the decision of the Teaching Church dispersed.

The second way in which the Teaching Church may pronounce is through an Ecumenical Council. The typical idea—the ideal—of an Ecumenical Council is a meeting of *all* the Bishops of the Catholic Church. All are invited, all are entitled to come, nay, all are bound to come, unless those who can allege inability, or at least some legitimate ground of excuse. What is aimed at and intended, as far as may be, is an assembly of the whole Episcopate without any exception. The idea never has been and, morally speaking, never can be, thoroughly realised. No more was ever actually reached than an approximation—an imperfect approximation—to this universal gathering. All being duly called together by the Roman Pontiff at the beginning, or their convocation sanctioned by him, a considerable

number from the different principal portions of the Church actually meeting, though perhaps still a minority of the whole body of Bishops will suffice to constitute an Ecumenical Council. The Bishops thus assembled in conjunction with the Pope *represent* the whole Teaching Church. Representation is of two kinds, both of which are exemplified in our British Parliament: namely, representation by elected delegates, such as those who constitute the House of Commons, and speak and act in the name of the whole population by whom they are sent; and representation of a moral body by the presence of a sufficient number of those who form it, or rather by the persons who are so present, and who, to all intents and purposes, hold the place of the entire body; and in this way the House of Commons is represented by any forty members that are in the chamber at the proper times of assembly, and the House of Lords by even a less number. It is in this latter manner the Bishops of a General Council represent the entire Teaching Church. They are not delegates elected by all the Bishops of the world, but they are a sufficient part of the whole collection of the Bishops of the world, who have been summoned to be there, and whose place they hold. They are, in a word, a *quorum* of the entire body of Catholic Bishops. If it be asked how we know that the Episcopate *can* be so represented, the answer is—not to speak of the reasonableness and congruity of the thing—that such is the tradition of the Catholic Church, which has always recognised the supreme authority of Ecumenical Councils so understood. I have spoken of Ecumenical Councils as consisting of *Bishops*. They alone have by Divine right a title to seats; but ecclesiastical law has associated with them a very limited number of other persons, such as Cardinals who are not Bishops, certain Abbots, and the Heads of Religious Orders. These may be considered as *adopted* members.

What is the Pope's position with reference to an Ecumenical Council, abstracting again from his Infallibility, and abstracting likewise from his superiority over the whole Church collectively and over any Council of its Bishops? Besides his prerogative of convoking a General Council, and supposing it assembled, how does he stand towards it? He is its rightful president; to use a familiar word, its *chairman*. It is his business to preserve order, to regulate the routine of proceedings. This office he can delegate to others, and the Popes have been in the habit of doing so. They have presided by their legates. But the Roman Pontiff has another and more important relation to a General Council than this. We must remember that a General Council represents the Teaching Church. The Teaching Church, as has been said more than once, consists of the Pope and the rest of the Bishops—of the Bishops with the Pope at their head. A General Council, then, in order to represent the Teaching Church must represent the Pope and the other Bishops. Now the Pope, being not only a Bishop, but Head of the Church, is not simply a homogeneous element, as the other Bishops are with regard to each other. He is, if I may be allowed to say so, both a homogeneous and a heterogeneous element under different respects. He is a Bishop like each of the rest, but he is more than any other Bishop. He possesses a singular privilege, a special character, confined to him as the one chief Vicar of Christ on earth. No number of other Bishops can represent him as to this, because it is something which they have not in common with him. Neither can he communicate this prerogative to any one else by means of delegation. He can depute others to perform an official function, such as that of presiding over a Council; but he cannot put a Bishop or a Cardinal in his own place as to what concerns the very substance of his Primacy. He

cannot make another Pope. He cannot transfer to others that responsibility which attaches to his authority, nor can he share with others the particular assistance of God, the claim to which has come to him along with his elevation to the Chair of Peter, even did that assistance not include Infallibility.

The Pontiff, then, cannot be represented by any number of Bishops, nor can he be represented by one or more deputies. Yet he must be represented; and there is no other way left for this but that he should be represented *by himself*. Therefore an Ecumenical Council must include the Pope in his own person—though he need not be locally present at the deliberations—and with him a sufficient number of the other Bishops. The Pope's actual concurrence is necessary to the complete conciliary character of whatever decrees are published in the name of the Council. If they do not eventually emanate from the Pope himself, as well as from the other Bishops, they are not thoroughly and adequately decrees of the Council. Hence, if he has not previously sanctioned them in detail, his acceptance and confirmation of them is strictly requisite, and, even if he has previously so sanctioned them, his subsequent confirmation is desirable as a testimony—as a seal set on them. Before the Vatican Council—at least for a considerable time—the only Tribunal, universally admitted by all Catholics as competent to pronounce a final, irreformable, infallible judgment in the matter of Faith or Morals, was the Teaching Church, made up of all the Bishops of the Church, that is to say, of the Roman Communion, including as an especial element the Roman Pontiff—in one word, the Pope and the rest of the Bishops. They might be dispersed and residing in their respective sees; or they might be assembled in a General Council; or, without being all or nearly all assembled, they might be represented by a

General Council, necessarily still including the Pope, whose voice was essential either by way of previous direction as to what should be defined, or by way of subsequent approbation.

A question arises here, whether, in any circumstances, a General Council was to be considered competent to pronounce finally without the concurrence of the Pope. In the first place, no number of Bishops without the Pope could be in the strictest sense an Ecumenical Council. It could only be an imperfect Ecumenical Council. But, though imperfect, could its authority ever become supreme? We must distinguish between the teaching of doctrine—of which we have been speaking—and the performance of certain other acts for which there might be occasion. Suppose the case of a doubtful Pope, as in the great schism of the West, the case with which the Council of Pisa and the Council of Constance (of which latter I will say more hereafter) had to deal; there is good ground for attributing to a Council the power of settling the difficulty by setting aside the claimants, *one* of whom is in reality Pope, but *which* cannot be sufficiently ascertained. Certainly the assumption of such power by a Council in a contingency of this kind cannot be legitimately qualified as usurpation. Whether it was really by this course that the great schism was put an end to, or whether the action of the true Pope entered into the proceeding and gave it its weight, is disputed. However this may be, it seems but reasonable to attribute to the Church a power of providing for itself in such circumstances, and likewise—indeed under one respect more easily—in an interregnum in which through some combination of difficulties an election could not be held according to the prescribed form.

There is another case, not likely, but which we cannot pronounce impossible, where a Council would be warranted

in setting aside a Pope, or else declaring that his Papacy was at an end; namely, if the Pontiff were to become a manifest heretic, professing, though not solemnly teaching, heretical doctrine. But with regard to the final definition of a doctrine in the matter of Faith and Morals there cannot be the same necessity; for whenever there is an undoubted Pope, a Council cannot act without him; and when there is not, it is the business of a Council to secure the election of one; and there cannot be absolute need of any definition of doctrine in the meantime.

There was, no doubt, a case supposed by some to be possible, of error solemnly taught by the Roman Pontiff, in which case it would have been the duty of the Bishops to protest, and in which case God could not have allowed them to remain silent. The supposition was false in itself, and was admitted by comparatively few, so that a Council that would have attempted action on this ground would not have been recognised by the whole body. Besides, it did not follow from that imaginary right of remonstrance, nor from the alleged superiority of a General Council to the Pope, that a Council without the Pope was Infallible in defining.

At the time, then, which immediately preceded the Vatican Council, all Catholics acknowledged an Infallible authority in the Church; all acknowledged that the Teaching Church—that is, the Pope and the Episcopal body—dispersed or assembled, or represented, in a General Council, possessed this Infallibility. That the Roman Pontiff, taken alone, possessed the same prerogative was denied by some, but affirmed by the greater number. This was a controverted point regarding Infallibility. It is well to observe here—what there may be occasion to dwell more upon later—that in the controversy referred to, those who refused to the Pontiff the prerogative of Infal-

libility did not make a dogma of their refusal. They did not argue from revelation in the same way as their opponents. It was an opinion, or with some perhaps an apparently certain doctrine, but more of a negative than of a positive character. The strongest affirmative arguments for it were some real or supposed facts, the truth or bearing of which were disputed even among those who held the Pope to be Fallible. To return now to what I was saying, there was an Infallible Tribunal admitted in common by all; there was what may be in a certain sense called *another* Infallible Tribunal admitted by some, rejected by others. How was the controversy to be set at rest, if it was to be set at rest at all? Obviously by the authority which none questioned—by the Teaching Church. This has been done, and how?

Pope Pius IX. in 1867 convoked a General Council, to meet in 1869. He summoned all who were entitled either by fundamental right or by established usage to be members of General Councils. Abundant time was given to all concerned, to make their arrangements and go to Rome at the time specified. The result was that a very large number of Bishops met for the opening of the Synod on the 8th of December, 1869. The Pope presided in person. The Council carried on its work laboriously. The question of Papal Infallibility was not introduced into the matter prepared for discussion till some time after the Council had assembled. The occasion of its introduction was a demand to that effect made by a number of the Bishops. The subject was debated on for many days in the Council with complete liberty, and this liberty was fully used by the opponents of the definition.* At length, on the 18th of July, 1870, a Papal Constitution on the Church,

* Of the *definition*, not of the *doctrine*, as the great question was that of opportuneness.

containing a most explicit statement and definition of the Pontiff's Infallibility was brought before the Council, and the votes of all the members actually present were taken upon it, two only pronouncing against it. It is true that a considerable number of Bishops absented themselves from the public session in which the Constitution was received and published—say about eighty Bishops, some of whom, having obtained permission to leave Rome, had actually gone away from the city, while others continuing there did not attend in the Hall of the Council on the day of the definition. The number of members present on the occasion were 535, of whom 533 voted for the decree. The dissentient minority of actual voters, namely two, of course, had not any weight. What is to be said of those who did not appear? In the first place, there is good ground for saying that they were not practically members of the Council with reference to that act. Certainly if they had *all* left Rome previously—which was not the case—they could be most fairly considered as having dropped out of the Council, and not being any more a part of it than if they had never gone; and this is to be in fact said of those among them who were really out of the city. Now, it does not appear why continuance in Rome outside the Assembly should make any difference. To be at Rome and to be at the Council, are two distinct things. Then, no one will deny the sufficiency of the number present to constitute an Ecumenical Council, abstracting altogether from those who had absented themselves. But, even if we look on these absent Bishops as still part of the Council, and further as giving an adverse vote, what weight will their opposition be entitled to? They would be less than the one-seventh of the whole Assembly, less than the one-sixth of the number of the affirmative voters. Now certainly six-sevenths of the total number of voters in a deliberative

body may be justly called a vast majority. It is immensely beyond a *mere* majority—a *bare* majority; and I do not see any sufficient reason for not considering a bare majority enough.* I conceive the principle to be that in a Council, as in any other assembly vested with authority, a simple majority of one side over the other suffices, unless there be a previous rule requiring a particular amount of excess, such, for instance, as two-thirds to one; and I know of no rule to this effect laid down for Councils generally or for the Vatican Council specially. But it has been said, for a definition there ought to be moral unanimity, and eighty dissentients out of six or seven hundred is at variance with this. I reply that moral unanimity is, no doubt, desirable and imposing and a subject of congratulation where it exists, but I am unable to see any reason for requiring it. Its necessity is assuredly not self-evident, and there is no authoritative declaration anywhere that it is necessary. In the legislative acts of temporal states, in the judicial acts of supreme courts, no such moral unanimity is deemed essential. I fully admit that—as I shall say more distinctly later—there is not here question of mere legislation. Nor is a definition a judicial act; nor is it the act of a purely natural power. But it is an act of a divinely appointed *human* senate and tribunal, whose modes of procedure are accommodated to the usages of men in their assemblies and courts. There is no such thing in the natural order as the definition of truth. The nearest approach to it in point of matter is in legal decisions, where a competent court pronounces *what is the law*, which law however the court is not supposed to originate. The nearest approach to it in point of form is the passing of statutes by a parliament.

* I do not mean to affirm that any majority is *essential*, or to deny that a minority *with the Roman Pontiff*—even if he were not Infallible by himself—could sufficiently represent the Teaching Church. But the question does not arise here.

An Ecclesiastical Council, therefore, is presumed to act on the same principles as a national senate or a supreme civil court, regard being always had to special rules established by tradition or positive enactment or undoubted custom. Now, looking to these sources, I find no warrant for requiring moral unanimity. If any one should say that perhaps there may be such a requirement or condition, I would answer: No, there *certainly* is not; because conditions of this sort, limiting the force of an otherwise plain conciliary decision, are not to be received on conjecture. They must be supported by strong probable arguments at least, and such arguments are not brought forward.

Dr. Newman, as we learn from letters of his quoted by himself in the powerful reply to Mr. Gladstone's *Expostulation*,* was influenced by the consideration of the want of unanimity, and looked on the definition as not absolutely final whilst things continued as they had been when it was published in the Council. With every respect for Dr. Newman's judgment, which itself—as supposing good reasons for forming it—would naturally have great weight, I do not find in what he says enough to induce me to agree with him. It is no harm to say that, as Dr. Newman conveys clearly enough, while himself holding the doctrine of Papal Infallibility, he did not expect nor, through a motive of charity for others, did he wish to expect it would be defined, nor could he easily bring himself to think it had been defined by the Council. Hence he might easily be disposed to attach importance to the dissent of so many Bishops—which dissent was in reality, more or less, an unfavourable circumstance with reference to the definition. At the time these letters were written, they were private; when published, they could not prejudice the definition, as the minority had, to use the writer's words, "melted away."

* Pages 96 and following.

In the future, the question of moral unanimity, or even of a majority, will not be of so much moment, since the Pontiff's decision will be held sufficient.

I have already said, in a passing way, that the definition was not a legislative act; that it was not merely nor mainly a legislative act, though involving, no doubt, an *Ecclesiastical*—as distinct from a *Divine*—obligation, and rendering liable to ecclesiastical penalties those who should contravene it. But its principal aim and drift was to declare authentically a revealed truth, to settle a controversy as to the meaning of God's word, to enlighten the understanding of the Faithful—briefly, *to teach.* The Council did not, and could not, confer a new prerogative of inerrancy on the Pope. All well instructed Catholics, of course, know this, and the statement of it may appear superfluous. Yet it is well for us to keep very clearly before our minds how the matter really stands. The Council has no more to do with the existence of the Papal Infallibility than it has with the existence of God, or than an astronomer has with the existence or movements of the heavenly bodies. The business of the Council was to find out, with the Divine assistance, whether the Pope was Infallible or not, and to tell us what it had ascertained, under the Divine guarantee of its own Infallibility. The definition is not to be regarded as a piece of ecclesiastical policy modifying the constitution of the Church for the sake of convenience. It is essentially a declaration of what *had been before* just as much as *it is now.* There is question of *Faith* only, not of *discipline.*

Before passing away from the account of the definition, I would briefly notice a remark of Mr. Gladstone's on its form.* He says, and indeed complains, that it is not an act of the Vatican Council but a Papal Constitution published in the Council. He contrasts it unfavourably with

* "Expostulation," p. 33.

the decrees of Trent under this respect. I will not enter here into a discussion concerning the propriety, if I may so call it, of this mode of procedure, though undoubtedly it was quite proper, as its very adoption, with the full consent of the assembled Bishops, abundantly shows. I will not go into the question of precedents, nor into the difference between this last Ecumenical Council and most others in the circumstance of the Pope's actual presence and presidency; I will not dwell—beyond a short citation of words—on the considerable, though not quite perfect, similarity of the form employed to that we find in our own Acts of Parliament in this most constitutional Empire—"Be it enacted *by the Queen's most Excellent Majesty*, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows, &c." I will merely observe that the substance of the definition is not, *in the smallest degree*, affected by the circumstance so emphatically censured by Mr. Gladstone. The Bishops explicitly accepted the constitution; they explicitly concurred in the enunciation of the doctrine it contained; they made themselves responsible for that doctrine; they thereby *taught* that doctrine; the act by which it was promulgated in the constitution was morally as much their act as it was the Pope's, though his name was more prominent. All this is comprised in their utterance of that one word *placet*, and their deliberate consent to the solemn record of its utterance in the phrase, *Sacro approbante Concilio*. Even if the form were objectionable or irregular—and it was neither—the voice was that of a legitimate General Council headed by the Pope, a supreme authority that was placed above the influence of any forms that did not enter into the substance. I do not believe Mr. Gladstone himself would question for a moment the

entire validity of the act if he recognised at once the Ecumenicity of the Council and the Infallibility of an Ecumenical Council. In other words, this observation of his is not so much an *objection* as a mere *criticism*.

CHAPTER XVII.

The Definition of Papal Infallibility (*continued.*)

Just after the definition, some of those who were unfavourable to it made, if I mistake not, a certain amount of capital of the incompleteness of the Council, not precisely of its incompleteness as to numbers, of which I have spoken, but of its not being *finished*, perfected, either altogether or even with reference to that act; as if the cause was yet pending. But this objection was of still less force than the other concerning moral unanimity. For, if moral unanimity were really needed, the majority could not cure this, as Dr. Newman truly remarked.* An incompetent tribunal cannot give competence to itself. We may fairly apply here the maxim: *nemo dat quod non habet.* But a General Council (always including the Pope)—or a *sufficient* majority—being competent and supreme, can render its own decree as effectual as it pleases, as soon as it pleases; and the Vatican majority manifestly did please to make the definition of Papal Infallibility effectual at once, quite irrespectively of anything that was to follow. They had done deliberating and projecting. They authorised the final and absolute promulgation of the Constitution.

I have, so far, dealt with the definition as an act of the Vatican Council *as such;* I have maintained, and do maintain, that the Teaching Church represented in the Vatican Council did infallibly teach the Pope's Infallibility. But, even if this were not so, if the Vatican Council were not

* In his letter quoted by himself, p. 98.

an Ecumenical Council at all, the dogma of Papal Infallibility would be none the less a dogma of Catholic Faith propounded by *the Teaching Church*, and with moral unanimity of the entire Teaching Church. Certainly, on the 18th of July, 1870, the Pope solemnly propounded and proclaimed the doctrine; he, as head of the Church, and chief teacher of the faithful, *taught* the doctrine, and this teaching was partly at the time, and partly afterwards, expressly or tacitly—and for the most part expressly—accepted by all the Bishops of the Catholic Church. It was expressly accepted on the spot by all the Bishops present, those two included who had pronounced the words *non placet*. It was expressly accepted by very many other Bishops of the Church a little later, and even openly promulgated by several, at least, if not by all, of those who had seceded from the Council to avoid taking part in the definition. All opposition to it on the part of the bishops has long since totally ceased. This teaching then is the unanimous teaching of the *Ecclesia Docens*. The doctrine, therefore, of Papal Infallibility, was legitimately defined by a legitimate General Council in conjunction with—and including—the Roman Pontiff. But, even leaving out of account the legitimacy of the Council itself and of its action in this matter, the same doctrine was quite effectually defined by the Pope, considering his solemn Constitution as accepted and ratified by the whole Catholic Episcopate.

What is to be said on the once vexed question of opportuneness? Before the definition, many bishops thought it would be inopportune. A great many more thought the contrary. Much has been said about the proceedings of both classes, and of those who respectively agreed with them. With all this I have nothing to do. All I need say is that the view taken by the non-opportunists was not heterodox, that it was not unlawful, that they had

every right to express it in the proper place and way. I say the same of any who may, at that time, have questioned the definableness, or even the truth, of the doctrine.

Now that the definition has taken place, we are to presume that it was opportune. There is no need of entering into a discussion on the subject. Still it will be no harm to make a few observations regarding it. First of all, then, there is one broad ground of opportuneness in the fact of the revelation of the doctrine, considering especially the nature of the prerogative in question. Of the existence of the revelation and of the Infallibility itself we can, as Catholics, no longer entertain the least doubt. Now, for what purpose did Christ make his Vicar infallible? That this one visible, living, and—as to his office—ever-enduring person might securely guide the whole flock of Christ in Faith and Morals. As I have remarked elsewhere, the gift might have existed without being manifested.* Christ might have decreed to preserve the Pontiff from error in his teaching, and still not have made known the decree. Even so, the protection and assistance afforded would have been beneficial, but not nearly so beneficial as if it were known, because the same confidence would not have been imparted. For the sake of this confidence the gift was revealed from the beginning, that it might be known, that it might be relied on, that it might have its full influence on the minds of the faithful. It is a truth, not only to be believed when manifested, but, from its character, peculiarly expedient to be manifested, peculiarly calling for manifestation, not so much on its own account as on account of other truths in a manner dependent on it. The fullest and most unmistakable publication of it was desirable at all times. Every period was, if I may say so,

* See *Antea*, p. 42.

positively, affirmatively, opportune for this, abstracting from some extraordinarily cogent reasons to the contrary—some wonderful obstacles in the way. And the reasons would have had to be quite extraordinarily cogent, and the obstacles quite wonderful, to interfere with this opportuneness. Nay, it is not easy to conceive how there could be reasons or obstacles sufficient at any time to stand in the way, if we reflect on the fundamental place which the doctrine holds as to the economy of Christ's Church.

Here I may be asked how it came to pass that such a doctrine was so long allowed to remain, in some degree, uncertain. I answer that all along it was practically recognised by the great mass of the bishops, by General Councils, and by the faithful for the most part; that it was not formally questioned till a comparatively late period; that, once the controversy arose, a General Council was the proper tribunal to settle it; that General Councils could not be so easily assembled; that the negative doctrine had not acquired its fixed *status*—such as that was—till after the Council of Trent; that even if this was not the case, the Council of Trent had enough to do in dealing with the open enemies of the Church, so far as dogma was concerned, and with the regulation of ecclesiastical discipline. If this sort of answer is not adequate, I add that God permitted the controversy to continue, as He permits many other things whose permission we cannot thoroughly account for; that His ways are inscrutable, and often baffle our inquiries and speculations.

It will be rejoined that the Church could go on without any explicit settlement of this question, as it was going on so long before the Vatican Council. I say, I suppose it could. I do not pretend that the Church would have perished for the want of the definition. But I appeal to the fact of the revelation of the Papal Infallibility, for revealed it was,

as we are now bound to believe; and why revealed if not to be universally acknowledged with the certainty of Faith? This was God's design, a design which it behoved the Church to carry out to the full, and this could not be done, as things stood, without a definition. The very difficulties that were raised in the way of this course showed the importance of the matter, and how little it could be viewed as a thing trivial or indifferent. Now let us look at one or two of the grounds of inopportuneness.

The definition might lead and has led to persecution. Dr. Newman says truly, that "persecution may be as opportune, though not so pleasant, as peace." It is more obvious still that, even without attributing a special utility to persecution, a supernatural benefit may be well worth having *at the expense* of persecution, as was and is eminently the case with the Christian Religion—with the Catholic Religion—with a pious life, of which St. Paul said: "All that will live godly in Christ Jesus shall suffer persecution" (2 Tim. iii. 12). Besides, is it so certain that the persecution which is said to have resulted from the Vatican decree should be entirely attributed to it? I think not. Passing by the plans of the unseen arch-enemy of God's Church, the men who are oppressing Catholics in various places needed not the definition to set them on their prey. Like the wolf in the fable, their appetite was to be gratified, their victim to be devoured, with any excuse or with none. The exact time, the mode, perhaps the degree, for the moment, may have been influenced by the definition, but not, I should say, the substance. The spirit was there, the hatred of our religion—not to say of all religion—was there, no small amount of secret organization was there; opportunities were watched for, and would have been found or made. I am far from denying that individuals were swayed and duped by occasion of the particular

circumstances. But, I repeat it, the substance of the persecution which exists, and of further persecution which may be in store for Catholics, is not to be mainly referred to the Council or its acts, both because there were signs enough of its being previously in preparation, and because the Vatican proceedings could not by themselves afford a sufficient motive—even an apparently sufficient motive—for what has been done and is being done against the Church. Be this as it may, the completeness of our religious profession and belief was not easily to be, in a manner, sacrificed even to avoid these exterior troubles.

But, besides persecution, the Vatican decree caused defections from the Catholic religion. Of this there can be no doubt. What is to be said of this evil fruit? It is to be said that the defections were few. It is to be said next that, though the men who fell away *consummated* a great crime and a great scandal by their apostacy, and made their case worse before God than it had been before, they were, in most instances, but nominal Catholics, and that their secession was rather a gain than a loss to the Church. The definition, so far, served as a test of the genuineness of Catholic profession. I would emphatically apply to these men the words of St. John (1 Ep. ii. 19), "They went out from us; but they were not of us." We ought, no doubt, to feel compassion for them, not that compassion which is due to the merely unfortunate, but that which is to be entertained even for the guilty, however undeserving they are; for, after all, guilt is the greatest of all misfortunes on this earth. We must pray for their conversion; but, taking them as they were before they left us, we are not the worse for having lost them, whatever may have been the gifts of some among them.

Another ground of inopportuneness is that those who are outside the Church will be deterred from entering it.

I reply that, in the first place, the Religion of Christ is not to be in any manner curtailed, nor are its truths to be hidden away, for the sake of making it more acceptable or less unacceptable to Protestants, especially in points which concern its very framework and constitution. We must remember that the Papal Infallibility, having been defined, is now shown to have always entered into the Christian dispensation. Even before the definition, those who desired that definition knew well it could never take place unless the doctrine was true and revealed, and, if true and revealed, it was a thing to be made known to those without, that they might understand the Catholic Religion in its fulness. Genuine Christianity was not to be even negatively misrepresented for the sake of gaining proselytes. If Papal Infallibility were merely *an opinion*, a view, I could well conceive that it ought not to be thrust forward and paraded before those of other communions to whom it might prove a difficulty. But we know now that this was not its real condition, and those who sought its definition were satisfied of this, and were confident that this would be made manifest, as it has been.

But there is another aspect of the dogma, another effect, which must not escape our consideration. Some may be frightened by the Infallibility, but others will be attracted by it, and many, I have no doubt, have been, and are, attracted by it. I have heard of instances of this, and I am sure there are plenty of other instances. I add, moreover, that *it must be so.* The reason is this. The Papal Infallibility is one of the beauties of the Catholic Religion. Why do I say so? Because I and so many others happen to admire it? No, surely, for there is no disputing about tastes, as the old maxim has it. But because, as we Catholics now believe with Divine Faith, Christ our Lord actually bestowed this gift on His Vicar, and no doubt as

a favour and a benefit to men, for the better assurance of Christians in all cases of controversy that need to be decided. Now, what is bestowed by Jesus Christ as a favour and a benefit with a view to settling men's minds, is a beauty of religion, or else Christ has made a mistake. Surely the gift cannot be a deformity, or a neutral, idle, superfluous thing. If any be really frightened by this dogma, they are likely to get over the fear, should this be the only thing, or nearly the only thing, that stands in their way; should they be otherwise well inclined towards the Catholic Religion; should they be earnest in seeking the truth. After all, the Infallibility even of *the Church* is something rather strange to Protestants; and yet, if they wish to become Catholics, not only must they admit it as one of the doctrines to be believed, but it is a necessary road to the admission of the other doctrines of our Faith, since they must assent in general terms to all that the Catholic Church believes and teaches, as we do; and further, it is practically through the sole authority of the Church they must settle their minds on most of the truths they explicitly embrace; for conversion is not, as a rule, effected by means of separate examination and resulting conviction on each point in detail. Indeed such a method is not to be at all recommended, though it may be often expedient or necessary to solve particular difficulties which have made a special impression on the mind of an inquiring Protestant. Well, then, as I have said, the Infallibility of the Church is somewhat strange to those who have been brought up in any of the sects; still, in order to become Catholics, they must accept it and most of the other doctrines through it; if one of these doctrines be—as is the case—the Infallibility of the Pope, the additional difficulty is not so gigantic.

The Papal Infallibility, being real, is, in my mind, a

great convenience, and ought to be viewed by all in this light. Surely, the more facilities we have of knowing the truth, the better are we off. Why should we be unwilling to be informed with certainty on subjects in which we take an interest? I know there is often a passing pleasure in searching for the truth. But permanent uncertainty is not desirable, nor is the liberty of thinking falsely an advantage. Besides, if the exercise of reason and the institution of inquiries be a luxury, we are sure to have enough of opportunities for it in other departments than that of religion, and in religion too, for there is no chance of all Theological questions being settled to the end of the world.

In dealing with the definition of Papal Infallibility, I was naturally led to speak of the opportuneness or fittingness and expediency of the Vatican decree. Returning now to the decree itself, to the Constitution *Pastor Æternus*, from what has been stated concerning it, we may say with the utmost certainty, that the Infallibility has been thoroughly and superabundantly defined. It was quite sufficiently defined by the Council, nor is there any solid ground for questioning the effectiveness of the Council's action; and whatever colour there may be supposed to have been for questioning it has passed away, seeing how the Council and its decree have been since viewed throughout the Church. Then, even abstracting from the Council as such, the dogma propounded in the Bull, and thus taught by the Pope, has been accepted by the whole Episcopate. Either, then, the Infallibility of the Pope is a dogma of Catholic Faith, or there is an end of the Infallibility of the Teaching Church. No one, therefore, can deny or controvert the Infallibility of the Roman Pontiff and be still a Catholic. Mr. Gladstone, however, does not seem to see things in this light for Catholics: "I find it stated," he says,* "I

* "Vaticanism," p. 50.

hope untruly, that the 'Civiltà Catholica,' the prime favourite of Vaticanism, in Series iii. vol. 1, p. 730, announced, among those who had submitted to the definition, the name of Archbishop Kenrick." Fortunately for this otherwise excellent bishop the statement was not untrue. Dr. Kenrick had no notion of becoming a Protestant or an infidel. He had no notion of giving up, at an advanced period of his life and of his exemplary episcopal career, the dogma he had always professed, of *the Church's* Infallibility. What is the meaning of the Church's Infallibility held at all times by all Catholics, if we are to throw it over whenever the Church's teaching does not coincide with some opinion we may happen to have formed? The object and end of this prerogative of the Church is to correct opinions and wholesomely control our understanding. It is not intended to be consistent with the Protestant privilege of believing or not believing as each man pleases. If Mr. Gladstone chooses to deny—as he does—the exclusive claim of the Roman Communion to be the Church of Christ; if he chooses to refuse Infallibility to the whole Church of Christ as conceived by him, whatever sort of aggregate that may be—which I hardly suppose he does—that is his affair. But surely he must expect Catholics to act as Catholics; he is not going to insist, in the name of civil and religious liberty, on our giving up our creed. But even if it were not a life and death question for a Catholic's Faith, does he maintain that a man is never to surrender an opinion once held, that he is not to be swayed by argument, by reason, by authority even not infallible, by the number and quality of those whom he finds to differ from him? Is a man to adhere to his own views through thick and thin? Has Mr. Gladstone always acted on this principle? I imagine not.

But, he will rejoin, there is not question here of change

in opinion but of change *in Faith.* He says, just after the passage quoted: "Let it not, however, be for a moment supposed that I mean to charge upon those who gave the assurances of 1661, of 1757, of 1783, of 1793, of 1810, of 1825-6, the guilt of falsehood. I have not a doubt that what they said they one and all believed. It is for Archbishop Manning and his confederates, not for me, to explain how these things have come about; or it is for Archbishop M'Hale, who joined as a Bishop in the assurances of 1826, and who then stood in the shadow and recent recollection of the Synod of 1810, but who now is understood to have become a party, by promulgation, to the decree of the Pope's Infallibility. There are but two alternatives to choose between: on the one side, that which I reject, the hypothesis of sheer perjury and falsehood; on the other that policy of 'violence and change in faith,' which I charged, and stirred so much wrath by charging, in my former tract. I believed, and I still believe, it to be the true, as well as the milder, explanation. It is for those who reject it to explain their preference for the other solution of this most curious problem of history." A little lower down on the same page,* Mr. Gladstone writes thus: "Let us reserve our faculty of wondering for the letter of an Anglo-Roman, or if he prefers it, Romano-Anglican Bishop, who in a published circular presumes to term 'scandalous' the letter of an English gentleman, because in that letter he had declared he still held the belief which, in 1788-9, the whole body of the Roman Catholics of England assured Mr. Pitt that they held; and let us learn which of the resources of theological skill will avail to bring together these innovations and the *semper eadem* of which I am, I fear, but writing the lamentable epitaph—

'Non bene conveniunt nec in una sede morantur.'"

* Page 51.

So, according to Mr. Gladstone, there is *a change in Faith* on the part of those who accept the Infallibility as a dogma as they did not before it was defined. Where is the change *in Faith* either on the part of the body of Catholics or on the part of individuals? Before the definition, the Infallibility of the Roman Pontiff was not a point of *Catholic* Faith in the sense already explained.* It was *held* by the great majority of Catholics, whether believed or not *with Divine Faith* to which it objectively belonged. I apprehend that great numbers—like myself—are not in the habit of making acts of Faith about doctrines, however certain, that are not proposed for obligatory belief by the Church. The doctrine was *denied* by comparatively few. The opposite was not professed as a dogma of Faith by any. It is to be noted here, that even the disavowal of the doctrine, for the most part, and especially in the old Oath of Allegiance in these countries, was carefully confined to its exclusion from the category of obligatory dogmas, so that the personal admission and profession of it as a truth was left perfectly open, and, as a matter of fact, I should say that many who took the oath did not themselves deny the doctrine. Even those who did positively disbelieve it and profess their disbelief did not dream of charging its defenders with heresy or error. *A change in Faith* means the giving up of a dogma which was believed as such under the sanction of the Church, or the adoption of a dogma that was opposed to her teaching.

One of our disputes with Protestants has always been about the *Judex Controversiarum*—the Judge of Controversies. Both parties admit in words that there is one somewhere. Catholics have always said and, I may add, proved, that this Judge is a living authority, the Pope, or, at any rate, the Teaching Church. Now, what is the business of a Judge of Controversies? Surely his business

Ante, p. 114.

—at least his chief business—is not to reassert dogmas already belonging to *Catholic* Faith. He has to settle questions not yet quite settled. The fact of a controversy having been for a time lawfully maintained on both sides does not take it out of his jurisdiction. He may yet decide some such controversies finally—that is infallibly. No; none of us—Catholics—have changed our Faith by accepting the Vatican definition. Mr. Gladstone *wonders*, too, and would have every one else wonder—exercise signally the "faculty of wondering"—on occasion of an English gentleman's letter being termed scandalous because he held what Mr. Gladstone calls "the belief which . . . . the whole body of the Roman Catholics of England assured Mr. Pitt that they held." Now, I suppose this English gentleman had theretofore professed, as a part of the Catholic Faith, his belief of the Infallibility of the Church. I equally suppose he had never professed any similar belief in the *Fallibility* of the Pope. If he had—which is nonsense—it belonged to a special *Catholic Faith* of his own. But, of course, he had professed his belief of the Church's Infallibility, and when that Church spoke he refused to hear her, and in equivalent terms rejected *her* Infallibility. And this, Mr. Gladstone thinks, was not or ought not to have been scandalous in the eyes of Catholics and of a Catholic Bishop! If Mr. Gladstone formally or constructively denied Baptism or the Trinity, would his Anglican Bishop look upon it as a scandal or not? Had Mr. Gladstone been a Quaker or a Unitarian, the denial, however regrettable, would not be scandalous, and the Anglican Bishop would have no special business to concern himself about it, though on principles of Christian charity he would deplore Mr. Gladstone's spiritual condition. But that a Church of England Protestant should so wander away would, to the Anglican Bishop's thinking, be out-and-out scandalous, and few would blame him for saying so.

CHAPTER XVIII.

The Definition of Papal Infallibility (*continued*).

Mr. Gladstone exonerates from the charge of dishonesty and duplicity those Catholics of the British Empire who, at various periods, made declarations opposed in different degrees to the doctrine of Papal Infallibility. So far so good. Still, Mr. Gladstone turns these declarations to account seriously enough. He infers that there has been a change of Faith. With this charge I have dealt already.

He infers also that there has been a change in the conditions of civil allegiance in connection with Infallibility. He says: "I hope that, so far as this country is concerned, I have now done something to throw a light upon the question whether Papal Infallibility was or was not matter of Divine Faith before 1870; and consequently on the question whether the Vatican Decrees have 'in no jot or tittle' altered the conditions of civil allegiance in connection with this Infallibility."* Now, on this statement I observe, in the first place, that there is nothing in the declarations, as compared with the Vatican Decrees, to show that the Papal Infallibility was not matter of *Divine* Faith all along, if we understand by matter of Divine Faith a doctrine really contained in the original Christian Revelation. There is no doubt a great deal to show, what I most fully admit, that it was not at the time of the declarations matter of *Catholic* Faith. I grant, too, that the position of Catholics in these countries, and in all other countries, is altered with reference to this infallibility. They cannot say now, as they could before, that they are not required

* "Vaticanism," p. 52.

as Catholics to profess their belief of it; they cannot now, as they could before, question or roundly disown or deny it, without ceasing to be Catholics, and without falling under any ecclesiastical censure or condemnation. This is perfectly true. But as to "the conditions of civil allegiance in connection with this Infallibility" being altered, such alteration depends on the existence of a special connection of the kind supposed. That this special connection was imagined to exist by the Governments of those earlier times, and is imagined to exist by Mr. Gladstone and many other Protestants at the present day, is unquestionable. But the reality of the connection I deny.

Papal Infallibility, as defined in the Vatican Council, has reference to the solemn teaching of doctrine, in Faith or Morals, to be held by all Catholics, not to local regulations nor to any mere commands or orders of the Pope. These belong to his jurisdictional authority, of which I will speak later, and which no doubt has a large share in causing Mr. Gladstone's uneasiness. But the two things are quite distinct. Now the teaching of doctrine by the Pope has no special connection with civil allegiance. It has that general connection with allegiance which it has with all moral duties as prescribed in the written or unwritten Word of God, and in the Natural Law re-enacted and embodied by Christ in His Religion. If Mr. Gladstone is afraid the Pope will teach unsound doctrine—that is, unsound according to Mr. Gladstone's judgment—he may have the same apprehension about the *Church*.

The principles of the Catholic Church have always been the same as those of the Popes, and *vice versa*. Whatever the Popes have at any time taught *ex cathedra*, the Church has taught, and teaches, by its assent to their teaching. On the other hand, it may be said with truth that whatever the Popes have taught they received from the Church, that

they were guided by the voice of the Church. The Roman Pontiff is indeed the immediate and supreme representative of God on earth; he is neither a delegate nor a subject of the Church. But the whole Church, more especially in the persons of its chief pastors, the Bishops, is the depositary of the treasure of doctrine which has come down to us from Christ. Of this treasure the Pontiff is the principal dispenser, but, after all, he is only the dispenser. It is in the Church he finds the treasure; it is from the Church he takes it, and administers it under Divine direction with the help of his brethren in the Episcopacy.

If the Pope's Infallibility is opposed to allegiance, so is that of the Church. Neither really is so. Will Mr. Gladstone say to a Catholic: "You are not a thoroughly loyal subject, or, at least, are in danger of becoming otherwise than loyal, because you hold yourself bound to adhere to the solemn teaching of the Roman Pontiff in doctrines of Faith and Morals. He *may* teach some doctrine that is inconsistent with your fidelity to the civil Government." This is certainly looking enough to possibilities, and in a country, be it observed, in which free currency is given to opinions subversive of all Government, all morality and religion, to the extent of openly denying the existence of God, and propounding, besides, revolutionary *principles*, provided the writers and speakers keep clear of downright incitement to treason or sedition. Certainly, the doctrines taught by the Church and by the Popes up to the present time, the doctrines to which the Church and the Popes are too far committed to recede from them, are such as tend to secure—as far as it may be secured—the fulfilment of the duties of subjects towards their rulers, whatever be the form of Government in any given country, and to counteract the wild and dangerous theories so widely spread through the world at present.

Another inference of Mr. Gladstone's is contained in the following passage:—"Here," that is, in the declarations alluded to, "here, there is an extraordinary fulness and clearness of evidence, reaching over nearly two centuries: given by and on behalf of millions of men: given in documents patent to all the world: perfectly well known to the See and Court of Rome, as we know expressly with respect to nearly the most important of all these assurances, namely, the actual and direct repudiation of Infallibility in 1788-9. So that either that See and Court had at the last-named date, and at the date of the Synod of 1810, abandoned the dream of enforcing Infallibility on the Church, or else, by wilful silence, they were guilty of practising upon the British Crown one of the blackest frauds recorded in history."*

I am tempted to invite the readers of this passage to bring to bear on it their "faculty of wondering," as Mr. Gladstone calls it in a sentence of his already cited. But I prefer a little quiet examination to barren wonder. First of all, we must call to mind the position of the Catholics of these three kingdoms, whom, for convenience, I will call British Catholics. They had endured, and were, down to the last of the declarations, enduring persecution. After the penalties immediately affecting life and limb, and later those affecting property, had passed away, Catholics were still debarred from many civil rights, and from that equality with their Protestant fellow subjects to which they were strictly entitled. They naturally wished to have done with this state of things, to be relieved from their political thraldom; and for this end they were prepared to use all means consistent with conscience and honour. They would not give up any part of that Religion for which their Fathers had suffered, and for which they themselves were

* "Vaticanism," p. 49.

yet suffering, and which had all along been the only barrier between them and civil freedom. They would not give up any part of their Religion, because that would be giving up the whole of it. On Catholic principles there is no medium—all or none. But concerning what they did not consider a part of their Religion, when objected to, though unreasonably, by the great Protestant majority, British Catholics had not the same difficulty. Papal Infallibility they knew not to be a doctrine of *Catholic Faith.* The prevalence, too, of certain Gallican views among the clergy and laity of these countries facilitated the underrating, or even rejection, of this doctrine. It is not, therefore, matter of surprise that the declarations in question were made, especially under such pressure as existed. It is not my business to defend all the expressions used, or to maintain that no excess of any kind was committed, either through anxiety to get rid of obstacles, or through strong opinions on the part of the persons concerned. But, in substance, there was nothing which can be condemned, on the one hand as fraudulent, or on the other as a betrayal of the Catholic Religion.

Let us now consider the position of Rome as to this same Papal Infallibility. It had always—or, to content Mr. Gladstone, we will say, it had for centuries—been held there, not as a dogma of Catholic Faith, but as a truth sufficiently established from revelation, and which the Roman See and Court thought ought to be admitted everywhere, not by way of a compliment to the Pope, but because it was true. So matters continued over the whole period of the declarations counted up by Mr. Gladstone, as anyone who chose to inquire might easily find out. There was neither more nor less of any intention to *enforce* the doctrine than there had been before. The Pontiff expected his solemn teaching to be accepted, as it had been

before and continued to be. There was not, so far as I know, any purpose of bringing about *a definition* of Infallibility.

I am willing to grant, either as a matter of fact, or for the sake of argument, that the Holy See knew of all these declarations, and knew everything about them, at the respective times of their being made. If these declarations had involved any serious deflection from orthodoxy, especially on the part of Bishops, or a considerable number of the clergy, or even of the laity, it would have fallen within the charge of the Pope to apply a remedy for the sake of the erring men, and for the sake of the Church. He might, however, prudently pass over views to him objectionable in a minor degree, for Rome is not necessarily supposed to approve what it does not openly condemn, and in reality practises a wise toleration, which Protestants sometimes deny and sometimes misrepresent as tortuous policy. But the dereliction of duty imputed to the Holy See by Mr. Gladstone has not reference to the religious interests of Catholics or of the Church. It was its duty towards the British Crown that was violated. The Pontiff, it seems, was obliged to cry out to the English Government: "Beware: these men are deceiving you, taking you in; don't trust them. I *am* infallible, and insist on this being universally admitted, and shall always enforce my Infallibility to the best of my power." This would have been volunteering with a vengeance.

The Pope, *as a Catholic*, and in common with all Catholics, knew that the Catholic religion neither then was, nor ever could become, antagonistic to legitimate civil authority; that Catholics as such could not be disqualified for the enjoyment of the fullest political rights. It is a self-evident proposition that a truly Divine Religion, remaining genuine, uncorrupted, and such as it was intended by the Almighty to be, cannot make those who profess it bad members of

society, disloyal subjects; that it cannot render them in any degree unworthy of participating in civil power and influence. Even an atheist would admit that, if there were a God, and a God revealing, this would be so. Now, every Catholic believes as part of his Faith that *his* religion—the Catholic religion—is such as I have described. This is not a mere truism—though even truisms are, after all, *true*, and sometimes need to be stated. It may be, in some sort, a truism for Catholics; but Protestants are not quite familiar with it. Their ideas of *our* religion are often cloudy enough, and they do not even *pretend* to believe *their own* in the way I have stated we do ours. Church of England Protestants, for example, will hardly say that the truth of Anglicanism, as a special form of Christianity, even supposing its tenets to be quite ascertainable, is an object for them of *Divine Faith*. They *think*, perhaps, that it is best. But will any one of them say: "I believe Anglicanism to be true in all its details, as I believe the existence of God, or the Trinity or Incarnation?"

They may tell me, perhaps, that the Church of England is not the whole Church of Christ, and that they believe the whole Church of Christ to be Divine. But this is not to the point, in the first place; and, in the next place, it makes matters rather worse. Even if the Church of England be not the whole *Church* of Christ, its doctrines ought to be the whole *Religion* of Christ, or else these gentlemen do not profess the whole religion of Christ; and will they say that they believe with Divine Faith the exclusive truth of this body of doctrines? Then, to show that recourse to the branch theory makes matters worse, that *entire* Church of Christ to which the branches belong embraces the profession of the contradictory doctrines respectively held by the branches—for instance, the Anglican and the Roman.

But I must not wander too far upon a wide field of controversy. What I want to establish, or rather to explain, is this: that all Catholics believe *with Divine Faith* that their Religion and Church are the true Religion and Church and the only true Religion and Church; that consequently they hold, as a consectary of their creed, that their Religion as it stands cannot be dangerous or pernicious; that it cannot make themselves unfit for the enjoyment of full civil rights; that their partial exclusion from those rights, whenever and wherever it does or did exist, was and is essentially unjust. God forbid I should infer from this that Catholics are at liberty to misrepresent their own belief for the purpose of obtaining political equality, that they are at liberty to give false pledges wherewith to satisfy the foolish fears of Protestants. No; this would be a dishonest proceeding, dishonest towards Protestants, and, still worse, dishonest towards their own Divine Religion, by which they must stand at every risk and at every loss. But assuredly the Pope, as a Catholic, and his advisers, as Catholics, knew with supreme certainty that *nothing* in the Catholic Religion, not even the Papal Infallibility, *if it was a part of the Catholic Religion*, could be a bad and mischievous thing; that the British Crown did not need to be protected from Catholics; that there was no occasion for any warning voice to put the English Government on its guard; that, should the Infallibility be ever defined and thus enter into the domain of Catholic Faith—of which event the Popes of that former time gave no sign that they thought—no harm would or could come of a revealed truth, as it must be to be defined in the order of Faith. They knew, on the other hand, that it was not *then* a dogma of Catholic Faith; that British Catholics told the truth in saying so; that it was not insisted on by Rome, as a doctrine to be held; that the

denial of it was tolerated in the writings of Catholic authors and in the teachings of Catholic professors in various countries; that British Catholics, even when they went so far as to reject the doctrine, were not thereby rebels to the Catholic Church; that a special and decided interference with British Catholics, and an inhibition to make such declarations as they were making, would embarrass them and expose them to failure in the acquisition of their just rights. The Pope and his advisers knew all this, and were moreover not appealed to by the British Government, nor questioned on the subject, though that Government was well aware that the Roman Pontiff was, at any rate, the recognised Head of the Catholic Church, whether infallible or not. In such circumstances, according to Mr. Gladstone, it was a fraud on the part of Rome to remain silent—at least if it did not abandon the dream of enforcing the Infallibility, whatever that *dream* and that *enforcing* mean in Mr. Gladstone's mind.

I would appeal to Mr. Gladstone himself, not in his present polemico-political condition of thought, but in that sounder normal state to which we may hope he will some day return, whether, if the Pope had at the period referred to raised his voice, not for the necessary correction of his own spiritual subjects, but for the interests of the British Crown, he—Mr. Gladstone—would have thought the Pope right. I would appeal to him for his judgment on such a course, and I apprehend that judgment would be that the Pontiff was making himself very gratuitously busy in damaging the cause of British Catholics. If Mr. Gladstone had been Prime Minister during that period, such a Prime Minister as he has been in our own time, with the same principles and views, would he not have said on occasion of the Pope acting so: "Could he not let us and the Catholics alone? They are expressing sentiments he may not quite

like. But they are adhering to their religion, and they are looking for delivery from unjust oppression. After all, what real harm can this Infallibility do us? A disclaimer of it is useful, and is made with truth and honesty, and why need the Pope or we poke further into the matter?"

I have spoken of three inferences of Mr. Gladstone's from those declarations of British Catholics at various times concerning Papal Infallibility. That which I have put last, for convenience, precedes the other two in his "Vaticanism." The three inferences are that there has been *a change of Faith* among Catholics; that *the conditions of civil allegiance in connection with Papal Infallibility have been altered;* that *the See and Court of Rome either had at a certain time abandoned the dream of enforcing Infallibility on the Church or had practised upon the British Crown one of the blackest frauds recorded in history.* I have endeavoured to show, though not at much length, that these inferences are not warranted. I may observe, with regard to the last, that it is a curious specimen of that extreme rigour of moral doctrine which otherwise reasonable men exhibit in certain circumstances. I have alluded elsewhere to manifestations of this character on the part of men—with whom I should be very sorry to class Mr. Gladstone—who are far from models in the rest of their words and actions.* Of course, it is more intolerable in such persons; but even in an upright man it seems strange—in a man of such great ability and who was so short a time since charged with wielding the destinies of a nation. It would certainly be a benefit if statesmen were more careful than they often are about following the dictates of conscience, and we may suppose Mr. Gladstone was solicitous in this respect; yet he can hardly be imagined

* *Ante*, p. 98.

to have laid down for himself rules so stringent as those he would dictate to the Roman Pontiff.

I must not omit noticing here a statement of Mr. Gladstone's concerning the Infallibility, a statement of which I am *comparatively* little inclined to complain, but which is not correct. He says higher up in the same paragraph in which he is so hard on the See and Court of Rome: "We were also told in Ireland that Papal Infallibility was no part of the Roman Catholic faith and never could be made a part of it: and that the impossibility of incorporating it in their religion was notorious to the Roman Catholic Church at large, and was become part of their religion, and this not only in Ireland but throughout the world."* The reason why I am comparatively little inclined to complain of this statement is that it is based on a passage, cited by Mr. Gladstone from a declaration of the Irish Bishops in 1810, and worded as follows: "That said Oath, and the promises, declarations, adjurations and protestations therein contained, are, *notoriously, to the Roman Catholic Church at large, become a part of the Roman Catholic religion, as taught by us the Bishops, and received and maintained by the Roman Catholic Churches in Ireland; and as such are approved and sanctioned by the other Roman Catholic Churches.*"† This declaration is, no doubt, exceedingly strong—stronger, I must confess, than I much like. I take its authenticity for granted, though it is somewhat unlikely looking. Any doubt I have does not, of course, regard Mr. Gladstone's good faith. Strong, however, as it is, the conclusion drawn from it in the next page is not legitimate.

I am speaking of the Infallibility only, because with it alone I have to do at present. The words of the Oath are: "It is not an article of the Catholic Faith, neither am I

* "Vaticanism," p. 48. The italics are Mr. Gladstone's. † *Ibid*, p. 49.

thereby required to believe or profess that the Pope is infallible." The meaning therefore of the declaration is that the exclusion of an article of *Catholic* Faith affirming the Infallibility was a part of the Roman Catholic Religion, as taught, &c., or that the fact of that doctrine not being of Catholic Faith at that time was part, &c. That such *must have been* the meaning is proved from this, that the declaration sets forth in terms that *the Oath, &c., are part* of the Roman Catholic Religion; therefore—so far as the declaration is concerned—*nothing beyond* the Oath, &c., enters as a part. That only which is comprised in the Oath was part of the Roman Catholic Religion, as taught by the Bishops. The declaration conveys an inference from the Oath as approved by the Bishops. Now the Oath does not deny the revelation of the Infallibility, nor its definableness nor the possibility of a future definition. The meaning, in substance, is that the exposition of the Catholic Religion given by the Bishops contained the doctrine expressed in the Oath, &c. The doctrine expressed in the Oath was that the Infallibility was not *then* an article of Faith.

The Bishops, in all probability, had not before their minds the question whether the Papal Infallibility might ever be defined, and, if they had had that question before their minds, their own conjectural solution of it would most likely have been in the negative. But they knew quite well that a doctrine not *of Catholic Faith* at one time might become so at another; and if they had been asked whether they meant to teach *as a part of the Catholic Religion* that the Infallibility could never be defined, they would have answered that they meant no such thing. Any other answer would have involved intolerable rashness, to call it by no worse name. The Bishops could not but be aware that Papal Infallibility was regarded by a

host of the gravest Theologians, and indeed by the great majority of Theologians generally, as a revealed doctrine, and by several as having nearly the *status* of a dogma of Faith.

As to what may be called *the argument* contained in the passage of the Bishops' declaration, to show that their teaching was approved and sanctioned by the other Roman Catholic Churches, it does not come to very much. Those other local Churches which happened to know of the "Oath, and the promises, declarations, adjurations and protestations therein contained," and of their adoption by the Irish Bishops, may have looked, and I suppose did look, on them as involving no heterodoxy. They recognised the Irish Bishops as Catholic Bishops, as not having fallen into any serious error, or into any error, against Faith. Some foreign Bishops, perhaps, rather approved of their language; but it is hard to conceive that the Prelates or clergy of other countries considered themselves parties to any teaching implied by the adoption of the Oath. The Irish Bishops approving the oath were not in the position of the Pope speaking *ex cathedra*, to whose teaching in such circumstances the silence of Bishops signified acquiescence, irrespectively of his Infallibility. The Irish Bishops were not the Pope, nor were they teaching solemnly; though even if they had been teaching solemnly their voice had no claim to be regarded by any but their own flocks. No doubt, if they had set about teaching heresy, their brethren abroad, and more especially the Roman Pontiff, would have resented it.

Mr. Gladstone follows up this passage from the declaration of the Irish Bishops with another from Bishop Baines in England, whom he qualifies as "a very eminent and representative member of the Anglo-Roman body." The Bishop's words are these: "Bellarmine and some other

Divines, chiefly Italians, have believed the Pope infallible, when proposing *ex cathedra* an article of Faith. *But in England or Ireland I do not believe that any Catholic maintains the Infallibility of the Pope.*"* I have no wish to disparage Dr. Baines, and will not discuss the weight of his testimony. But his statement is inaccurate. As to the first part, what he says may be true so far as the terms go; but the sense conveyed by implication and intended to be conveyed is not so. This sense is that *only* Bellarmine and some comparatively few others, still fewer out of Italy, held the Pope to be Infallible. Dr. Baines thought so, and it is no wonder if many Catholics and Protestants took his word for it. But Theological libraries and chairs would not bear him out. As to the second part: that he did not believe any Catholic in these countries maintained the Infallibility of the Pope; of course he did not believe it, as he said so, but the state of things represented is not very conceivable. This has all the look of one of those assertions often loosely and unreflectingly made. I am not able at this moment to refute the allegation; but I have very little doubt of its inaccuracy, and very little doubt that it could be shown to be inaccurate. Among the clergy educated abroad, say in Rome, for instance, but elsewhere, too, among the laity educated abroad, or taking their opinions from priests at home who had studied abroad, there must have been many who held what have been called *ultramontane* views. That Gallican ideas regarding the Pope were extensively prevalent I fully admit, and have myself assigned this as a reason, among others, for the declarations made by Catholics concerning the Infallibility; but that these ideas were exclusively current in the British Islands I can hardly believe.

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* "Vaticanism," p. 48. The italics are Mr. Gladstone's.

CHAPTER XIX.

Obedience due to the Pope.

Before going any further, I will say a word about these papers on "The Relations of the Church to Society." They had been appearing for several months, always under the same chief title, when the Gladstone controversy began. The subject matter of that controversy falls within the range of my subject matter, and could well take the same heading, though this might be too quiet for Mr. Gladstone. Under these circumstances it was, and is, but natural I should touch upon some of the statements and reasonings of the "Expostulation" and of "Vaticanism." But I do not profess to undertake a systematic, much less a complete, answer to these publications. This work has been ably done by others. I do not propose to follow Mr. Gladstone through all his windings, nor to engage in exhaustive argumentation on the topics he has treated. Indeed, even the moderate amount of *discussion* I have introduced into some of the later papers, and shall introduce into others, involves a deviation from my original plan, as must be obvious to any readers who have taken the trouble to pursue the series of these short articles from the beginning. My idea was to *explain* rather than to *prove*, to help religious truth by stating it, rather than by positively establishing it from authority or reason, or vindicating it against objectors. Having said so much in the way of explanation, I will proceed.

When I came to speak of the Teaching of the Church, I put in the first place the definition of Papal Infallibility, as

this was a remarkable, important, recent, and much discussed instance of teaching, and the doctrine itself holds a high place in relation to the Church's teaching. I shall have more to say later about the Papal Infallibility; but at present I will pass on to another Catholic truth propounded with equal solemnity in the same Vatican Constitution, *Pastor Æternus;* a truth whose assertion seems to have alarmed Mr. Gladstone, and perhaps has alarmed others, even more than that of the Infallibility—I mean the Roman Pontiff's supreme and universal jurisdiction, or power to command, and corresponding right to be obeyed.

It will be useful to set down here the principal portions of the third chapter of the *Pastor Æternus*. The translation I give is more strictly literal, and, in consequence, does not run quite smoothly, which is, however, no great matter.

"We teach, therefore, and declare that the Roman Church, according to the disposition of the Lord, obtains the princedom of ordinary power over all the other churches; and that this, the Roman Pontiff's power of jurisdiction, which is truly episcopal, is immediate; towards which (power) all the pastors and faithful of whatever rite and dignity, whether each separately or all collectively, are bound by the duty of hierarchical subordination and true obedience, not only in the things which pertain to faith and morals, but also in those which pertain to the discipline and government (*regimen*) of the Church diffused through the whole world; so that, unity being preserved with the Roman Pontiff, as well of communion as of the profession of the same faith, the Church of Christ may be one flock under one chief pastor. This is the doctrine of Catholic truth, from which no one can deviate without loss of faith and salvation. . . . .

"And because, by the Divine right of the Apostolic Primacy, the Roman Pontiff presides over the whole Church, we also teach and declare that he is the Supreme Judge of the Faithful, and that in all causes belonging to ecclesiastical examination recourse can be had to his judgment; and that the judgment of the Apostolic See, than whose authority there is none greater, is not to be called in question *(retractandum)* nor is it lawful for any one to judge his judgment.* Therefore, those wander from the right path of truth who affirm that it is lawful to appeal from the judgments of the Roman Pontiffs to an Ecumenical Council, as to an authority superior to the Roman Pontiff.

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* Ep. Nicolai I. ad Michaelem Imperat.

"If anyone, therefore, shall say that the Roman Pontiff has only the office of inspection or direction, but not full and supreme power of jurisdiction over the Universal Church, not only in the things which pertain to faith and morals, but also in those which pertain to the discipline and government of the Church diffused through the whole world, or that he has only the principal place (*potiores partes*) and not the whole plenitude of the supreme power, or that this his power is not ordinary and immediate, whether over all and each of the churches or over all and each of the pastors and faithful: let him be anathema."

Speaking of this chapter of the Constitution, Mr. Gladstone says: "Surely it is allowable to say that this third chapter, on universal obedience, is a formidable rival to the fourth chapter, on Infallibility. Indeed, to an observer from without, it seems to leave the dignity to the other, but to reserve the stringency and efficiency to itself. The fourth chapter is the Merovingian Monarch; the third is the Carolingian [*sic*] Mayor of the Palace. The fourth has an overawing splendour, the third an iron gripe."*

I cannot, consistently with my limits, afford to transcribe largely from Mr. Gladstone, and give his views in his own words. In place of doing so, I will try to state what I conceive to be the sense he attributes to the Vatican definition concerning the Pope's authority and the obedience due to him, taking in the chief consequences resulting. It may be expressed as follows: The Roman Pontiff possesses supreme power in all matters of Faith and Morals and Ecclesiastical discipline. From his judgments and his commands there is no appeal. Every Catholic is bound unreasoningly and unhesitatingly to obey the Pope's orders, whatever they may be, throughout the range of Faith and Morals and Ecclesiastical discipline, orders in some of which the Pope may be mistaken, because there is not at all exclusively question of his *ex cathedra* decrees. Now this range of Faith and Morals and Ecclesiastical discipline embraces all, or nearly all, the actions

* "Expostulation," p. 38: Mr. Gladstone has twice casually misplaced *third* and *fourth*. I have set them right.

of men—all, consequently, or nearly all, those actions which fall under the charge of secular governments, more particularly certain classes of actions which have obvious civil and ecclesiastical bearings. In case of collision, the Pope must be preferred to the king or queen or parliament, or any other ruling authority in the temporal order. Hence there is an end of all allegiance to the Crown, or, at least, of all guarantee for its maintenance. This I take to be Mr. Gladstone's reading of the *Pastor Æternus* as regards the Pope's jurisdiction. It is, no doubt, sufficiently startling. Like most comprehensive statements on religious —or indeed most other—subjects, it contains some truth, and the truth which it does contain needs to be well probed and well defined, to guard against misinterpretations which would turn it into falsehood, or make it subsidiary to falsehood.

First, then, in treating of *mere obedience* to the Pope we must set aside the consideration of his *ex cathedra* decisions on questions of Faith or Morals, his solemn teaching of doctrine to be held by the whole Church, and also the consideration of his enforcement of these decisions and this teaching. For the decisions themselves belong to the prerogative of Infallibility; and their enforcement, besides being a congruous appendix of that prerogative, does not involve any extension of the conscientious duty imposed by the decisions. Nor is the *mere obedience* due to the Pope, in cases wherein he is not infallible, altered in its character by the coexistence of Infallibility in the same person. The two things are quite distinct. I put this pointedly, because both Protestants and Catholics are liable to the danger of not always observing this distinctness. I need hardly say that it makes no matter whether the enforcement of doctrine regards a newly-defined truth, or one long before, or always, sufficiently proposed to the

faithful. Though I have insisted on the separate consideration of what I have called *the mere obedience* claimed for the Roman Pontiff in the third chapter of the *Pastor Æternus*, I do not pretend that this chapter altogether abstracts from the Pope's *dogmatic authority;* for it is chiefly his dogmatic authority that is concerned with reference to *Faith and Morals;* and these are expressly spoken of in the third chapter, though the *Infallibility* is reserved for the fourth. But there is a special difficulty raised by Mr. Gladstone about *the mere obedience*, or, in other terms, the preceptive power of the Pope, and with that difficulty I have to deal at present; and Mr. Gladstone openly, and I may say justly, though perhaps not always sufficiently, distinguishes between the two branches of authority.

The next point to which I would direct attention is, that there is nothing even *apparently* new in this (or any other) part of the definition as to the nature or matter of the preceptive power of *the Church* or of *Bishops*. There is nothing *really* new as to the *Pope's* position, considered in itself and in the previous practical working of his authority; though the dogma of *Catholic Faith* on the subject may be somewhat extended. But there is absolutely no fresh teaching as concerns the authority of Bishops over the faithful. The supreme seat alone of that authority is more fully declared, the precise relation of the Vicar of Christ to the Bishops and to the clergy and people. He is defined to be the Sovereign Bishop of the other Bishops, of all the clergy, and of all the people of God's entire Church. There is in this no encroachment on the state—no *new* encroachment, at all events. Whatever rights are attributed to the Roman Pontiff were before well enough understood to belong at least to the Episcopate. I may be told that this is true of the Infallibility

also. This prerogative was always recognised in the body of chief pastors; and the whole difference traceable to the Vatican Council is, that we are bound to admit the same prerogative in the Pope considered even separately; and yet this difference is viewed as a very serious one. I reply that assuredly such is the only difference as regards the Infallibility, whether it be serious or not in the sense of affording ground of alarm. Further, I will say that practically the difference is not so very great, and that there is not much to fear.

But in the case of authority—jurisdiction—the difference is still less, and concentration may even serve to lighten the pressure. For, if the gift of inerrancy were not possessed by the Pope without the other Bishops, or a considerable number of them, their concurrence in some form would be requisite for a final settlement of controversies; but a mere power of commanding need not be supreme in order to be exercised. In the first ages of Christianity the Bishops dispersed through the Church, though really in point of law—that is, Divine Law—as much subject to the Bishop of Rome as they are now, and as little individually supreme, were more left to themselves, because the circumstances of the time allowed or demanded this; and many of them strenuously asserted the rights of the Church and of God against princes. Dr. Newman has put this strongly. "Mr. Gladstone," he says, "ought to have chosen another issue for attack upon us than the Pope's power. His real difficulty lies deeper; as little permission as he allows to the Pope, would he allow to any ecclesiastic who would wield the weapons of St. Ambrose and St. Augustine. That concentration of the Church's power which history brings before us should not be the object of his special indignation. It is not the existence of a Pope, but of a Church, which is his aversion. It is the powers

and not their distribution and allocation in the ecclesiastical body which he writes against. . . . . Say that the Christian polity remained, as history represents it to us in the fourth century, or that now it was, if that was possible, to revert to such a state, would politicians have less trouble with 1800 centres of power than they have with one? Instead of one with traditionary rules, the trammels of treaties and engagements, public opinion to consult and manage, the responsibility of great interests, and the guarantee for his behaviour in his temporal possessions, there would be a legion of ecclesiastics, each bishop with his following, each independent of the others, each with his own views, each with extraordinary powers, each with the risk of misusing them, all over Christendom. It would be the Anglican theory made real. It would be an ecclesiastical communism; and if it did not benefit religion, at least it would not benefit the civil power. Take a small illustration: What interruption at this time to Parliamentary proceedings does a small zealous party occasion, which its enemies call 'a mere handful of clergy'!—and why? Because its members are responsible for what they do to God alone, and to their conscience as His voice. Even suppose it was only here or there that episcopal autonomy was vigorous; yet consider what zeal is kindled by local interests and national spirit. . . . . Parliament understands this well, for it exclaims against the Sacerdotal principle. Here, for a second reason, if our Divine Master has given those great powers to the Church, which ancient Christianity testifies, we see why His Providence has also provided that the exercise of them should be concentrated in one see." * The providential arrangement to which Dr. Newman refers here is not precisely the Pope's possession of supreme ecclesiastical power, which power comes from the formal

* Dr. Newman, pp. 28-30.

grant made by Christ to St. Peter and his successors, but the actual concentration, the lapse to the Roman Pontiff of the exercise of the power which the Bishops had in common with the Pope, though they had it not in the same degree nor with the same independence. This is the meaning, too, of that remarkable expression of Dr. Newman's which precedes the passage quoted, in the same section: "I say, then, the Pope is the heir of the Ecumenical Hierarchy of the fourth century, as being, what I may call, heir by default." * The default had nothing to do with the fulness of the Pontiff's right, but only with his comparatively exclusive use of it.

Mr. Gladstone has, most of all, apparently taken fright at the assertion of the Pope's jurisdiction as to discipline and regimen, superadded to Faith and Morals. "Why did the astute contrivers," he says, "of this tangled scheme conclude that they could not afford to rest content with pledging the Council to Infallibility in terms which are not only wide to a high degree, but elastic beyond all measure? Though they must have known perfectly well that 'faith and morals' carried everything, or everything worth having, in the purely individual sphere, they also knew just as well that, even where the individual was subjugated, they might and would still have to deal with the State. . . . . Too much attention, in my opinion, cannot be fastened on this point. It is the very root and kernel of the matter. Individual servitude, however abject, will not satisfy the party now dominant in the Latin Church: the State must also be a slave. . . . . And the work is now truly complete. Lest it should be said that supremacy in faith and morals, full dominion over personal belief and conduct, did not cover the collective action of men in States, a third province was opened, not indeed to the abstract assertion

* Dr. Newman, p. 26.

of Infallibility, but to the far more practical and decisive demand of absolute obedience. . . . . Absolute obedience, it is boldly declared, is due to the Pope, at the peril of salvation, not alone in faith, in morals, but in all things which concern the discipline and government of the Church. Thus are swept into the Papal net whole multitudes of facts, whole systems of government, prevailing, though in different degrees, in every country of the world. Even in the United States, where the severance between Church and State is supposed to be complete, a long catalogue might be drawn of subjects belonging to the domain and competency of the State, but also undeniably affecting the government of the Church; such as, by way of example, marriage, burial, education, prison discipline, blasphemy, poor-relief, incorporation, mortmain, religious endowments, vows of celibacy and obedience. In Europe the circle is far wider, the points of contact and of interlacing almost innumerable. But on all matters, respecting which any Pope may think proper to declare that they concern either faith or morals, or the government or discipline of the Church, he claims, with the approval of a Council undoubtedly Ecumenical in the Roman sense, the absolute obedience, at the peril of salvation, of every member of his communion."*

So far Mr. Gladstone. He has opened a rather wide field, which I cannot afford to traverse at this moment, though I may do so to a certain extent hereafter, and may have done so substantially to a certain extent already, without naming him, and before the special occasion arose for naming him. But what he complains of is, the supreme authority attributed to the Pope in the discipline and government of the Church, and especially this head—or these heads—being superadded to *faith and morals*, as if

* "Expostulation," pp. 39-42.

the addition was apparently superfluous and almost meaningless but really designing.

Now, I should like to know, first, whether Mr. Gladstone would have the Church without discipline and without government. I am sure he would say, No. I should like to know, secondly, whether he thinks Infallible authority in Faith and Morals fully includes discipline and government. I suppose he would say, No, again; for Infallible authority in Faith and Morals is mainly exercised by the mere enunciation of pre-existing truths; nay, more, it is thus exercised exclusively if we abstract from discipline and government: for any enforcement of definitions belongs to discipline and government, though such enforcement does not constitute, and cannot constitute, the whole, or nearly the whole, amount of discipline and government required for a vast, organised moral body such as the Church of Christ is. Then, if the Church of Christ—taken for the entire society of His true followers—is to be governed, and thoroughly governed, by whom is this to be done? By the State—that is, by each State for its own territory? Surely not. Mr. Gladstone does not think so; and if he did, he could not pretend the Catholic Church had *ever* thought so. Certainly it was not Pius IX. nor the Vatican Council that shut out the State. By whom, then? By the Bishops, each in his own See, *but without subordination to the State* (for otherwise the State would be uppermost in Ecclesiastical matters, which the Catholic Church has *never* tolerated)? Here we should have the 1800 heads that Dr. Newman speaks of, and of which he says: "It would be an ecclesiastical communism; and if it did not benefit religion, at least it would not benefit the civil power."*

Perhaps Mr. Gladstone would have the supreme power

* Dr. Newman, p. 30.

of government vested in the whole Episcopate, so that the Pope should be controlled by his brethren by means of laws to which he would be subject, and by means of appeals from him to General Councils or to the Bishops dispersed. Speaking of certain citations by Cardinal Manning, he says: "The four last begin with Innocent III. and end with the Council of Trent. Two from Innocent III. and Sixtus IV. claim the *regimen* or government of the Church, which no one denies them. The Council of Florence speaks of *plena potestas*, and the Council of Trent of *suprema potestas*, as belonging to the Pope. Neither of these assertions touches the point. Full power, and supreme power, in the government of a body, may still be limited by law. No other power can be above them. But it does not follow that they can command from all persons an unconditional obedience, unless themselves empowered by law so to do. We are familiar, under the British monarchy, both with the term supreme, and with its limitation."* This is all very well as a theory of Mr. Gladstone's, of which theory I will say a word presently. But I must not forget that I am not engaged in proving the truth of the doctrine defined in the *Pastor Æternus*—I am not writing a controversial treatise on the authority of the Roman Pontiff. I am dealing with Mr. Gladstone's alarms and imputations. Well, then, I say the function of *governing the Church* is by no means identified with that of *speaking the truth* about Faith and Morals. The Pope is not a mere *talker*, even of the highest and most sacred order. He is a *ruler*. The Popes, to use Mr. Gladstone's words, "simply claim the *regimen* or government of the Church, which no one denies them." This being the case, and the Vatican Council—or, if you will, the Pope with its approbation—having undertaken to give a fairly full

* "Vaticanism," p. 65.

account of the Pope's *whole* authority, could not be expected to confine this account to his *teaching;* and, perhaps, if this course had been followed, a charge of insidious reticence would have been made, since everyone knew the Pontiff claimed *some* power of *ruling.* So the disciplinary and governmental jurisdiction was a right thing to describe, and the truth about it was a right thing to define. That truth—that doctrine, which is divine *truth* to us, but not of course to Protestants—may be unpalatable, but it was not to be kept back, and the declaration of it cannot be justly attributed to evil design or ambitious grasping, especially as the 533 Fathers of the Council, who freely approved and sanctioned it, were not claiming a prerogative *for themselves.*

As to Mr. Gladstone's *alarm* at the doctrine, as sweeping all kinds of things "into the Papal net," I will say something of that later. Now for my word about Mr. Gladstone's theory with reference to the *full* and *supreme* power of the Pope, as asserted in ecclesiastical documents. He would compare the plenitude of Papal authority with that of royal, or imperial, or parliamentary, or other sovereign civil authority, where a superior ruler is not recognised, but where limits are set otherwise. This view is not unnatural, but it is mistaken. According to the common opinion, which I have no doubt Mr. Gladstone holds, and which I am happy to hold with him, the jurisdiction of secular princes and senates and governments, though fundamentally and primarily from God, comes to them immediately from the community—from the people—to whom it was originally given in its fulness with no other restriction but that placed by divine natural law. This jurisdiction, in its transfer to those by whom it was to be wielded, underwent modifications—passed under conditions, not in its unbounded integrity. No wonder, then,

that the actual rulers should not be completely supreme, to the exclusion of laws they must observe. The gradations and ramifications of this system in different countries are very various and not always easily ascertainable. But the power of St. Peter and his successors comes immediately and formally from Christ. Now a *plenitude* of power derived thus from Him cannot be restrained by any laws but those which are either themselves divine (the Natural Law, of course, included) or else are made by men divinely chartered for the purpose. The Council of Florence, for example, says that, "To him in Blessed Peter was delivered by our Lord Jesus Christ the full power of ruling and governing the Universal Church." Now a *full power* given by Christ cannot be limited unless according to rules laid down by Christ. And where are these rules to be found? If they exist, the Bishops of the Church must know them. It is their duty and their interest to be informed regarding these rules, and yet they cannot find them. This remark may fall coldly on Mr. Gladstone's ear, because, though not a wilful foe of Christianity, he does not realise the real character of the Church. Even so, he cannot charge us with inconsistency in thinking and speaking thus.

This is a fitting place to inquire what are the boundaries of the Roman Pontiff's power; for boundaries it surely has. His principal authority as to Faith and Morals, as such, is that of teaching true doctrine concerning them with an annexed preceptive and executive power of insisting on the acceptance of his definitions. The limits of this doctrinal power, as we may call it, are coincident with those of sufficiently ascertained truth in the departments of Faith and Morals. I say *sufficiently ascertained* truth, because there are abundant propositions true in themselves which men, the Pope included, have not the means

of *knowing* to be true. In fact every proposition that can be framed is either true or false before God, and even if it be ambiguous, it is definitely true or false in each of the senses which it may bear. But it does not follow that the Pope is in a position to teach one way or the other about it, though it belong to the department of Faith or of Morals, and, as I have said elsewhere, those who enjoy free discussion on Theological subjects will never run short of matter for them.

Our present business is not with the Pope's teaching, but with his government of the faithful. The Pope is not the sovereign of all the faithful in the *temporal* order, nor by divine appointment of any of them. He providentially acquired a small secular principality, which God has permitted him to lose for the present *de facto*. The Pope is the sovereign of Christians in the *spiritual* order. His laws, his commands and prohibitions, must all be concerned about and confined to things appertaining to this order, either in their substance or in virtue of relations to it. Merely temporal things, as such, do not fall within his domain. No doubt the Pope is entitled and obliged to interfere in temporal things under the aspect of morality and conscience. But it is important we should understand in general terms how far this may go. To enter into the various branches and details would be quite beyond my scope and limits. But the principles can be briefly stated. In spiritual and ecclesiastical matters proper, the Roman Pontiff has the same authority that secular sovereigns or supreme governors of nations, such as parliaments, &c., have in worldly and political things. Neither in him nor in them is this authority restricted to *necessary* acts, but extends to whatever is at once lawful and expedient; and even inexpedient orders, if not unjust, may be valid and binding, though they would be better not

issued. But when there is question of the Pontiff's condemning or obstructing the action of the State in what is otherwise its own sphere, the case is quite different. He can only forbid that which is already wrong, or exact what is already obligatory in virtue of divine law. He cannot dictate the doing of that which is merely the best according to his judgment, nor prohibit what he simply dislikes. He is but the *authorised*, and at the same time, no doubt, *authoritative*, though not infallible, *interpreter* of God's will. He pronounces and enforces a decision not arbitrary even in the least unfavourable sense of the word, but forced on him by the nature of the case. I say that what I have just stated is *the most* he can do. For the rules of prudence and the interests of religion often require that he should hold himself entirely or comparatively passive concerning conduct which would deserve reprobation. It may be remarked that, as a rule, all Papal declarations and condemnations are not only presumably conformable to the requirements of God's law, but palpably a mere application of those principles which all well-informed and, at the same time, sound Catholics hold.

I will here add a reflection which few Catholics will controvert, which many outside of the Church will not *understand*, many others will ridicule, while others again will admit it, and among these would, perhaps, be Mr. Gladstone, were he not at present in a hostile humour. It is, that whatever may have been the faults of Popes and their advisers—and being men they are liable to the influence of human passions—there is no court or government in which the genuine dictates of conscience are generally as much listened to, and have as much sway, as the ecclesiastical court and government of Rome. It will be necessary now to say a little about the *absoluteness* of the obedience due to the Roman Pontiff, on which Mr. Gladstone harps so much.

CHAPTER XX,

Obedience due to the Pope (*continued*).

In stating the doctrine of the third chapter of the *Pastor Æternus*, Mr. Gladstone repeatedly uses the phrase *absolute obedience*, "so often," says Dr. Newman, "that any reader who had not the passage before him would think that the word 'absolute' was the Pope's word, not his."* No doubt, this word is emphatic, and, in a degree, alarming. It is not used at all by the Pontiff or the Council: but, as ideas are more important than words, it will be worth our while to inquire how far the obedience claimed as due to the Pope is substantially absolute or not, and, if absolute at all, in what particular sense of the term.

Absolute, when qualifying *authority*, may mean supreme, to the exclusion of superior human power, and to the exclusion of any control or restraint which men are entitled to exercise over the authority in question, or over the person or persons who wield it, so far, at least, as they do wield it. The notion conveyed here is that of perfect independence—independence of a higher human power, and independence of any fundamental contract with men. In this sense the Roman Pontiff's authority within its own sphere—that is to say, within the spiritual order, as has been already explained—*is* absolute. There is no man or number of men on this earth placed above the Pope, or warranted to command him in religious or ecclesiastical concerns, nor is his original right clogged with any condi-

* "Letter to the Duke of Norfolk," p. 45.

tions exacted by men or undertaken towards men; for this simple reason, that the Primacy is neither in the whole nor in part of human derivation: it is all directly and immediately from God. It is neither useful nor lawful to dissemble this truth.

If that obedience be called absolute which is correlative to absolute authority as just described, then the obedience due to the Pope's commands in the spiritual order is absolute. Not so, if the meaning be that the obedience which we owe is itself unlimited, and does not admit of a possible exception. Nothing to this effect has been taught by the Church or the Pope, nor, we may confidently affirm, ever will be taught. It has not been defined anywhere that the Pope is divinely guaranteed against giving an order so wrong or so much in excess of his power that he could and ought to be disobeyed. Such cases are not likely, are not easy of occurrence; but they are not impossible. It may be painful to have to make suppositions of this kind, but when we are driven to it we must make them. They have no real tendency to weaken the Papal authority any more than similar suppositions regarding the State; indeed less of the two, inasmuch as civil rulers are more liable to mistakes, and more likely to fall into them, than the Roman Pontiff. Each of these powers is, as a rule, to be obeyed within its own order. Each of them is to be obeyed where the commands given are manifestly right or not manifestly wrong. This is the utmost degree of obedience to any authority on earth, save so far as there may be a warranty from God that no excess will occur. Take the case of the State. The civil government of each country is supreme and absolute, whatever its form, whether purely monarchical, or republican, or otherwise constituted. By government I understand the entire legislature; in England, for instance, king or queen, lords and commons

which, all taken together, are thoroughly sovereign and acknowledge no superior in the civil order. It is to this composite authority, if I may so speak, that we owe that allegiance about which Mr. Gladstone is so solicitous—that allegiance, I say, considered in its plenitude; for the crown alone is not the adequate subject or holder of the jurisdiction towards which we are bound. The crown is not only controllable, but actually controlled. I am not, at this moment, arguing against anyone, nor maintaining any theory, nor is there need to be particular about the use of words. We are all agreed in recognising a supreme and complete civil power within these countries. There is likewise no occasion for alluding to a dormant sovereignty of the people, which might be exercised in some extraordinary circumstances, in the shape of revolution, of which I wish to say no more than that I hope our countries will, through the mercy of God, be long free from any such misfortune. We have a permanent, actual, supreme, civil authority from which there is no appeal, and which, as a rule, we are bound to obey to the extent to which obedience is demanded. I use this last expression advisedly, because there may be controversies as to the intention of the legislature to impose a moral obligation in many instances; but this does not interfere with the supremacy of the power.

Well, then, the power is supreme in its own order, and in a true sense absolute. Yet neither Mr. Gladstone nor any sane man will pretend that the State might not enact laws or issue commands with which the citizens of these realms would not be bound to comply, either because compliance would clearly contravene the law of God, or because, even short of guilt in the acts themselves, the requiring of them would be obviously unjust. We have had examples enough of such excesses, at any rate in matters appertaining to religion, which, however, be it observed, the crown or

the legislature *claimed* to be within its competence; and no doubt the same could happen, whether it did or not, in purely temporal things. There is question of principles and of quite possible contingencies, and we need not hunt for cases, which could certainly be found in these and other countries. Now, I go on to say, the jurisdiction of secular princes is as truly Divine as that of the Roman Pontiff. It does not belong to so high an order of things, it does not come so immediately from God, but it comes as truly and as much from Him. The obedience due to it is as absolute, where there is question of mere laws or precepts, especially if we abstract for the moment from collisions between the two powers. I say *as* absolute; but I say, that in neither case is it truly absolute. I say with Dr. Newman—"If either the Pope or the Queen demanded of me an 'absolute obedience,' he or she would be transgressing the laws of human nature and human society. I give an absolute obedience to neither."*

It is well to remark here that there is not a word in the Vatican definition, or in any other that I know of, to show that the degree of obedience due to the Pope, as merely commanding, is higher in the way of approach to absoluteness than that of obedience due to the State. No consideration of this kind entered into the scope of the Vatican definition. That scope regarded the sources, the universality, the fulness, the completeness of the Papal authority —in a word, the concentration of ecclesiastical power in the Pope along with its direct derivation from Christ, not, if I may so speak, the intensity of its nature. Even the Infallibility—with which we are now dealing—is described as that which Christ bestowed on *His Church*. There is nothing even apparently new said about *the Infallibility itself*. The entire stress is laid on the *subject* or possessor

* Dr. Newman, p. 53.

of it. The same is true of the preceptive authority of the Pope. Let no one imagine that in what I have just said there is anything to weaken allegiance to the Pontiff or to the State. As regards both—each in its own order—the rule is that obedience is to be yielded, and in doubtful cases the presumption is in favour of authority whether civil or ecclesiastical, and the exceptions to the duty are rare, more rare with reference to the Holy See than with reference to secular governments; because the abuse of power on the part of Rome is less frequent. Even humanly speaking, there is less occasion for it, less to be really or apparently gained by it, for the Pope or the Church.

But what is to be said in the case of collision between the Pontiff's orders and those of the government? Here we must clear the ground by setting aside spiritual and ecclesiastical matters, in which the State has no authority and the Church alone has. We must set aside likewise spiritual or ecclesiastical bearings of mixed matters. We must set aside all those rights which the Church permanently teaches belong to her: such as the right to property acquired, the right to receive and even demand contributions from the faithful. Collision in these classes of things implies unjust aggression on the part of the State. The only other classes would be acts or omissions claimed by the Pope in particular instances as appertaining to his proper domain, and acts or omissions interfered with by the Pope on the ground of their moral aspect. With regard to these latter, the Pontiff would be supposed to say in equivalent terms: "You must do this" or "You must abstain from that—against the command of your sovereign—because the law of God so requires." Now, though an order of the Pope, in either of the two classes alluded to, would be entitled to the most respectful consideration, and, in most instances, would carry with it the

obligation of obedience, there is no need of holding that this would always be the case. The Pope might be going wrong, either culpably or otherwise, and be known to be going wrong.

If I am asked whether the Pope might go wrong in the other classes of things, which I set aside to clear the ground, I answer: certainly he could; but that would have nothing to do with a collision, as the matter would be outside the competence of the State; and then the right to disobey the Pope would be irrespective of the State, and obedience to the Pope would not be rebellious against the State. If I am asked again why I have said that, as to the two latter classes of things, the obligation to obey the Pope would commonly subsist, I answer: because it is in general not likely that he would go wrong, either by making a false claim or by misapplying the Divine law. It is chiefly in insisting on obligations imposed by God that the Pope may contradict the commands of secular princes. For the most part, in such cases, the obligations are sufficiently manifest, and could and ought to be seen without a Papal direction, which however is not superfluous. This may be illustrated from what happens occasionally in private life. A man finds himself in circumstances in which he must act, and choose between two or three courses that are physically open to him. There is really but one of these right and legitimately eligible—one that can be conscientiously adopted—and that this is so is quite within the reach of the man's own knowledge, were his mind properly applied to the subject. Yet he is beating about in suspense, owing a good deal to some fear of deciding in that way and giving up certain advantages likely to accrue from determining otherwise. A friend or a spiritual adviser tells him there is no room for doubt or hesitation—he must do that one thing. He sees it now

clearly—his mind is settled, and he acts accordingly, following principles he all along held in substance and which can lead to no other conclusion. Now, I do not mean to call any order of the Pope a mere advice. It is, of course, more than that; but often such an order settles the mind as to the conduct which ought to have been pursued even if the order had never been given, and leaves no doubt whatever of its own correctness. In other cases, where there was more room for balancing, it turns the scale and satisfies the conscience, not merely by its binding power but by completing a reasonable conviction. There appears to be no good ground for questioning it. To say the least, there is a palpably preponderating probability in its favour. When this occurs, the Pope ought to be obeyed rather than the State.

My own belief is that, between civil allegiance and what may be called Ecclesiastical or Pontifical allegiance, collisions neither do nor will occur of such a nature as to leave room for any serious doubt on the part of a rightly-thinking Catholic as to the superior claims of the Pontiff; not because he is infallible in such matters, but because he has not in fact taken the wrong side. The chief difficulty which might arise would be, not on the score of duty to the State, but on that of temporal interest and the dangers to be apprehended from running counter to the secular power; yet these dangers must be faced where conscience clearly demands it.

To return to the theoretical question, I repeat that the obedience due to the Pope's orders, whether in collision with those of the State or not, is not absolute, and does not from its nature exclude exceptions. The Pope may make mistakes, not in his solemn definitions but in other official acts, and such mistakes as would disentitle him to be obeyed. This Bellarmine, the great impersonation of

so-called Ultramontanism, and other grave defenders of Papal authority have admitted.

Here it may be well to say a word regarding certain expressions which startle Protestants, and perhaps Catholics too at times, in the department of obedience. They often occur in connection with the Religious State and the position of superiors in monastic and other regular orders, and make some pious people turn up their eyes in a sort of horror. It is said of Religious and Ecclesiastical superiors that they hold the place of God, that in obeying them we obey God, &c., and sometimes, possibly, the thing is put in a stronger form. What does it all come to? Merely to this, that God wishes their authority to be recognised as coming from Him; that he requires their subjects to obey them in all that is lawful and within the prescribed range of their authority; that He wishes them to regard those superiors as His deputies or delegates; that He will accept obedience to them as obedience to Himself, this obedience being intended to honour Him in his representatives. This is true even when what those authorised men command happens to be wrong, but *is not known to be so;* for if known to be wrong it cannot be done. The representative character of the superior fails in these instances; and God, undoubtedly, is to be obeyed before all men where there is a recognized opposition between them and Him. The same thing holds in the civil order. The sovereign or the supreme ruler or rulers—according to the form of government—are to be obeyed as the representatives of God, and God is obeyed in obeying them. There is this difference between Religious obedience—that which belongs to the Religious State—and Civil or even Ecclesiastical obedience, that it is voluntarily undertaken for the sake of an additional exercise of virtue, and an additional sacrifice, not merely for the sake of essential order, and

therefore is expected to be fulfilled in a specially punctual and ready manner, extending as it does, too, to minute details of life, such as are not commonly dealt with by the Church or by the State. But no obedience, whether Civil or Ecclesiastical or Religious, is absolute unless where *God Himself*, through His deputies, commands the particular things to be done, as happens in the case of *ex cathedra* definitions, which God requires us to accept as authenticated by His seal. The same may be said of universal laws of the Pope or Church, which cannot be demurred to as possibly wrong,* though the Church itself admits the validity of certain excuses from the observance of some of them, where this becomes too difficult.

Although I do not believe that collisions are likely to occur between the Pope's authority and that of any secular State, to the prejudice of the legitimate rights of the latter, I will add that the mere chance, or even occasional occurrence, of such collisions would not be a good ground of objection to the Catholic religion, or to the doctrine of the Pope's jurisdiction as defined by the Vatican Council; and I speak of collisions that would involve an invasion of the just rights of the State. I need hardly observe that an invasion of just rights would be a bad and improper thing, an abuse and an excess not in reality warranted by the Catholic religion or the Vatican definition. But, supposing such action to be taken at any time by the Pope, and to prevail for a while, and to interfere with civil allegiance, through the malice or mistake of the subjects of a temporal government, or of some among men, what then? Is a power to be denied or condemned because those who wield it occasionally go astray and do mischief? Surely not. The best institutions may, through human weakness, be sometimes turned to evil account. None have more need to

Ante, p. 45.

acknowledge this than the defenders of the State and of the allegiance it claims. For, undoubtedly, States have over and over again abused their authority, and are doing it now. Mr. Gladstone makes himself the champion of civil allegiance; and I will add that I am ready to do the same, though I cannot join him in perverting this sacred principle to a wrong purpose. As a Catholic, I am an upholder of loyalty; but in order to maintain loyalty I must protest against the doctrine that those rulers alone are to be obeyed who never govern ill. It will not do to say that whenever they fall into excess the yoke is to be thrown off. None but an anarchist would say this. It is one thing to hold that in certain extreme cases revolution is allowable, it is quite another thing to pretend that every hardship or injustice inflicted by a secular sovereign power is a sufficient motive for doing away with it. Assuredly, Mr. Gladstone would never broach such an absurdity as this. Well, then, secular governments may err, and do err, and err seriously, from time to time, and yet do not therefore cease to be legitimate. They invade rights, they command sins, and yet retain their claim to be obeyed—not in sinful things, nor in those things in which they are unjust, but in other matters.

The Papacy, with all its spiritual power, is a divine institution, as emanating from God and created by His will; but it is also in a true sense human, as being confided to men, residing in men, who remain men weak and peccable, specially aided indeed by heaven, and in some particulars effectually protected from straying out of the right road, but in other things left so far to themselves that they may abuse their position and exceed the legitimate bounds of their power. It belongs to the economy of God's Providence to leave natural imperfections, which often lead to the partial obstructing of His work. The whole

of human society with its framework comes from God, with rules laid down by Him through human reason, not unhelped by revelation, for its good government. These rules are left to the members of human society to carry out under His providential direction, which controls men in a great degree, and preserves society from that ruin which would otherwise ensue, but not from many troubles and difficulties and much confusion resulting from the weakness and wickedness of men.

He has, moreover, instituted a Church, of which He takes more especial care, and effectually maintains it in life and vigour; but even His Church is entrusted to the charge of human rulers, whose imperfections, as well as those of its other members, tell upon it, besides what it has to suffer from its enemies. The Church is not, on this account, less a divine, supernatural, holy institution, nor are the rights of its rulers curtailed, or justly subject to restraint on the part of the State. By the rulers of the Church I understand pontiffs, bishops, and in their degree, priests of the second order. They do great work for God and man, though there are a few flaws, the least being on the part of the Popes. They are men, and they are not warranted against mistakes. Certainly civil allegiance has nothing to fear from the Church and from the Pope; and it has a great deal to fear from influences everywhere seeking to undermine all order—influences which are denounced by the Church as hostile to herself and to secular governments. It is unjust to decry the Church of God as the enemy of civil authority, which she does her best to uphold, while those bad influences are either cherished or treated with comparative indulgence.

Reverting, for a moment, to the question of the *absoluteness* of the obedience due to the Pope, I would observe that Mr. Gladstone understood this absoluteness, *absolutely*

enough. In his "Vaticanism" (p. 69) he says: "Dr. Newman says there are exceptions to this precept of obedience. But this is just what the Council has not said. The Church by the Council imposes Aye. The private conscience reserves to itself the title to say No." There are exceptions, that is to say, possible exceptions; in other words, there may be exceptions. There was no need of this being said by the Council. In stating the authority of any person with reference to a class of things, it is not usual to speak of his liability to go wrong, unless so far as there may be occasion to indicate a tribunal of appeal, and here there is no such tribunal. The private conscience is justified in declining obedience to manifestly unjust orders, but does not make antecedent reservations, nor keep looking out for exceptional cases.

CHAPTER XXI.

Obedience Due to The Pope (*continued*).

Immediately after the words just quoted, Mr. Gladstone adds: "I must confess that in this apology there is to me a strong, undeniable smack of Protestantism. To reconcile Dr. Newman's conclusion with the premises of the Vatican will surely require all, if not more than all, the vigilance, acuteness, and subtlety of the *Schola Theologorum* in its acutest member." * What precisely Mr. Gladstone means by "this apology," whether it be the whole of Dr. Newman's letter to the Duke of Norfolk or his restriction of the supposed absoluteness of the obedience defined to be due to the Pope, is not perfectly clear. But, as Mr. Gladstone has been just speaking of Dr. Newman's "exceptions to the precept of obedience," I will take his criticism here expressed as directed mainly, at least, against the restriction alluded to. This being supposed, we may inquire whether the "smack of Protestantism" lies directly in the liberty taken—as he conceives—with the meaning of the Vatican definition, by diminishing the stringency of that meaning, or in simply asserting the right of conscience to decline, in certain contingencies, obeying the Pope's commands; in other words, whether the *resistance* imputed is to *the definition* or to *the Pope's* possible *orders*. I should say rather the former. But, in reality there is no *smack of Protestantism* in either. Not in the first, because the pretence that the Constitution asserted a duty of *absolute* obedience in Mr. Gladstone's sense is perfectly groundless,

* "Vaticanism," p. 69.

and the denial of such duty implies not the smallest violence done to the definition, nor the smallest explaining away of its force. Not in the second, partly as a consequence of what has been said about the first—inasmuch as *this definition* does not stand in the way—partly because the Popes do not pretend to be free from the danger of giving wrong commands in particular instances, and do not ignore the rational rights of conscience.

As we have come upon conscience and its rights, I will say a few words on this subject, which has been already so ably and eloquently dealt with by Dr. Newman. There is no need of repeating his statements, unless where this may be unavoidable on account of their connection with what I am going to add. What, then, is conscience? It is a practical judgment concerning the lawfulness, or unlawfulness, or obligation, of doing an act which is in one's power, and of doing or not doing which there is question at the time. Under the name of *an act* I include an *omission*, which, in moral matters, is equivalent to an act. The act may be internal only—for thoughts are acts—or external also, and *speaking* is of course comprised.

Conscience, I have said, is a *judgment*. It is, therefore, itself an *act*, an act of the mind, and lasts only while it is being produced. This is, strictly speaking, the case. Yet conscience is spoken of as a permanent thing, and this not without reason. For these judgments are formed by an enduring faculty; they belong to a special department of the understanding. Then, there is a continuous series of them; they are, besides, remembered, recorded, and reproduced on the recurrence of similar circumstances. Still, in rigorous philosophical and theological language, conscience means a judgment, a dictate, a passing act of the mind. This, however, does not detract in the least from its authority or influence or efficiency; for if it were

conceived as something permanent, its whole force would be in its operation, its actual exercise. It is a *practical* judgment, practical in the last degree. It does not regard general rules, categories of cases, abstract questions. It views each action as clothed with all circumstances of time, place, and the rest. It is each one's own and nobody else's. My conscience is confined to myself. It is concerned about my own actions alone, it regulates my actions alone. I may have duties with regard to others and with regard to *their* duties, but my conscience exclusively governs *my* duties, taking in, of course, those duties of mine about others and their duties. My conscience tells me, on each given occasion, that *I may* do this, or that *I may not* do that, or that *I am bound* to do one thing or abstain from another, always in the present circumstances. My conscience does not pronounce on what is generally allowed, or forbidden, or required, because that is not its business, but on what is allowed, or forbidden, or required, in my regard at this time.

This conscience, this judgment, is either correct or incorrect, either in conformity with the truth or not—in theological language *right* or *erroneous*. My conscience may tell me that I am justified in doing what in reality is prohibited and in itself wrong. In this my conscience errs. The error is perhaps one which I have at present no means of correcting; I am not in a position to find out the mistake. If so my conscience is said to be invincibly erroneous; not because there is nowhere in this world a good reason to confute and overcome it, but because there is no good reason at this moment within my reach, because I have no doubt or suspicion which, being properly attended to, would lead to the correction of my judgment. An invincibly erroneous conscience holds to all intents and purposes the place of a right conscience. It affects the

person and his conduct precisely in the same way, and if any conscience can be safely followed, so far as moral rectitude is concerned, *it* can. We shall see a little more about this presently. In the meanwhile, I merely state that an invincibly erroneous conscience holds the place of a right conscience, and some would simply call it a right conscience. Where the error admits of correction, not only in itself—which is very little to the purpose—but on the part of the person, when he has the practical opportunity and power of understanding the real condition of things and substituting a true dictate for the false one, the case is altogether different. It would be a great mistake to imagine that one is justified in doing whatever he *in some kind of way* thinks is proper. There are undoubtedly those who do what they well know to be wrong, and here there is no delusion. But men too often take for granted or persuade themselves that they may act in a way they are not warranted to act. They may say with truth, "I think this is lawful," and yet they have no business to think so. Their conscience is *vincibly*—culpably—*erroneous*. No one is ever justified in *acting against* his conscience, neither is a man always justified in *following* it, but may be bound to *correct* it. Where the conscience is *right* or *invincibly erroneous*—and therefore for practical purposes *right*—it is a safe guide; not if it be *vincibly* erroneous.

All that I have been saying is true and certain, and held in substance by all Catholic Theologians. But *why* is it so? Let us look to the reason of the thing. Every moral agent must have a rule to go by in everything he does: he must have an immediate rule, a proximate rule, a rule that comes quite down to himself and his action. No number of distant, remote rules will do. They may be sound and good in themselves, but they are of no use unless insomuch as they are applied. Now this application can only be

made by the understanding of the man concerned. It is by each one's understanding that his will is to be directed, and conscience is the dictate of the understanding as to what it is just now right or wrong for the man's will to choose. If he had no knowledge he would not be responsible, and he is not responsible beyond the limits of his knowledge. Whatever is outside of that is to him as if it were not. He is responsible to the extent of his practical knowledge of duty, and this practical knowledge of duty comes to him from his conscience. This is why conscience cannot be lawfully gainsayed. This is why a right conscience must be followed; and the same is true of an invincibly erroneous conscience, because, like that which is every way right, it is the last resource he has. Not so with a vincibly erroneous conscience, because there is yet another conscience—a right one—which tells him he must reform the mistaken one.

Conscience is not a legislator nor a law. It is a judgment, not an arbitrary judgment, but a judgment according to law and according to evidence, as the decisions of judges and juries are supposed to be. And, in truth, forensic judgments afford a very good illustration of the office of conscience in every man. It is the business of the practical reason—the practical department of the understanding—to ponder the law, divine and human, which bears on each particular detail of conduct, to observe well the facts of the case, and apply the law to them; and the resulting determination as to what may, or ought, or ought not, to be done is precisely the conscience of which we have been speaking. The more important the matter is the greater care should be bestowed on the process—the deliberation premised to this judgment. The knowledge of the principles on which such judgments depend is permanent, more perfect in some than in others, according

to their ability and education; but all are bound to keep themselves informed proportionally to their condition and circumstances, and, in particular instances of special moment, care ought to be taken to learn more, and counsel sought from those who are qualified to give it. Conscience dictates that all this should be done. Conscience is ever a work pronouncing on our proposed acts or opinions, and, among the rest, telling us what we must do to have our conscience what it ought to be. To put the thing in correct but unusual terms, which I have already employed, one conscience prescribes how we are to form another.

Conscience is not a universal instinct which intuitively discerns right from wrong. There is no universal instinct of this kind. There are some things manifestly right and others manifestly wrong. There is also, in many particular instances, a rapid and almost imperceptible process of reasoning which brings home to a man the duty of doing or avoiding certain acts, and the result is a strong dictate of conscience. There is, besides, a moral sense which, especially when it is properly cultivated, helps us to discern good from evil, and this is closely connected, and more or less identified, with conscience. There is often, also, a rectitude of purpose, a love of virtue and hatred of vice that serves to guard against serious mistakes in moral matters, but this is for the most part the effect of grace and of a good use of it. The regular working of conscience is of a business-like character. It is a deliberate sentence pronounced in a cause sufficiently heard and weighed. The hearing and the weighing often take but a short time, and do not need more, because we are familiar with the principles and their application, and with the facts too. But in obscure or complicated questions of conduct, especially where the issue is momentous, we may not go so quickly. Even in easier instances it would be dangerous

to rely on certain inclinations of the mind which may in reality come from prejudice, or passion, or self-love and self-seeking, or from false principles that have been unwarily adopted. We are familiar with the saying that the wish is father to the thought. It is equally true that the wish is not unfrequently father to the conscience.

Conscience, as I have said many times over, is a judgment. It is not a law, still less is it a legislator. It presupposes laws, it is bound to recognise whatever laws bind the man whose conscience it is; for, as has been stated, every man's conscience is *his* and no one else's. We are bound by laws of several kinds; by the Natural Law; by the revealed law of God—which repeats much, and, in a certain sense, all of what already belonged to Natural Law, and adds other precepts—by the Laws of the Church and of the Pope, whose laws are laws of the Church; by the Laws of the State. The authority of the sources whence these laws emanate is established partly from reason, partly from revelation. The laws themselves are known by means of the promulgation suited to each class respectively, and by the intimation which reaches each person, and gives full efficiency in his regard to the promulgation. For a law may be promulgated sufficiently to invest it with the character of a law, which it would not otherwise have, and may be unknown to me; in which case I am accidentally exempt from the obligation of obeying it, though I may be truly said to be subject to it, and, in many instances, the *validity* of certain acts of mine before God or man may be affected by it. The laws of all kinds to which I am subject and which are sufficiently known to me go to form a rule of conduct for me. Besides laws, properly so called, there are commands or orders of legitimate superiors which, when made aware of them, I am bound to obey. These, too, contribute to make up my

rule of conduct, though, in obeying them, I am really obeying the laws, Divine or human, that confer authority on the superiors by whom the orders are issued, and exact obedience on my part towards them. However, for greater distinctness of ideas and greater completeness of view, I will describe my rule of conduct as consisting of all the laws to which I am subject and which are known to me, and, besides, of all the orders or commands permanently or passingly given to me by legitimate superiors and also known to me. The operation of these laws and commands is often dependent or conditioned upon undertakings of my own, such as vows, promises, contracts, which, once existing, I am required to fulfil. I am speaking of a strictly obligatory rule of conduct, and therefore say nothing of mere counsels remaining such, and not made binding on me by any act of mine.

We have got here a pretty comprehensive rule, a voluminous code. Neither the whole of this rule or any part of it is conscience. It is all a remote rule; conscience is the immediate or proximate rule. Conscience takes cognisance of those parts of the code that regard any act to be done or omitted at this or that particular time. Among the elements of this huge aggregate, considered as they are in themselves, and still more, if some of them be misapprehended, as continually occurs, there must be not unfrequently a real or apparent opposition. The opposition may again be really or apparently certain—in that wide or loose sense in which merely *apparent certainty* can be admitted—or else doubtful. There is another opposition, too, not between obligation and obligation, but between alleged obligation and our rights or interests. In all these cases of opposition, conscience has troublesome work to do, or rather, the judgment in which conscience consists is hard to pronounce. The guiding principles to be kept

in view are simple, namely: that regularly and ordinarily all laws are to be observed, all orders of superiors to be obeyed; that, in uncertainty about the legitimacy of commands unquestionably issued, there is a presumption in favour of authority; that hardships incidental to obedience must commonly be borne, and not made a pretext for declining to comply; for painful things are very often justly exacted. These are the guiding principles taught us by reason and religion.

But, as to obedience, there are exceptions, especially in the contingency of real or seeming collisions between authorities. The law of God, whether natural or revealed, must hold the first place, and, where sufficiently ascertained, carries all before it. The natural law, rightly understood, admits of no deviations. The same is true of revealed law as to the cases it is intended to comprehend. The same may be said too of *universal* laws of the Church or Pope. But it may be doubtful how far Ecclesiastical or even Divine Law really goes. Other laws or orders may sometimes be in real opposition with those just referred to. Among the rest, a particular command of the Pope might be at variance with Natural or Divine Positive Law.

Well, then, in the common course, conscience exacts the fulfilment of each law and of each order proceeding from an otherwise competent authority. Whence a law or an order *is seen* to be opposed to what is prescribed by a higher power, or *is seen* to be in excess of the jurisdiction from which it professes to derive its force, conscience will refuse to recognise it. In cases where there *seems to be* such opposition or excess, conscience, first of all, dictates that the question should be well weighed; and, this process having been gone through, an ultimate conscience is arrived at as best it may, either absolutely determining the course which *must* be followed, or allowing an election between

two courses, either of which, considering the obscurity of the question, *may* be followed.

I am not writing *a treatise* on conscience, but have been endeavouring to explain, in a superficial way, its nature and office, with a view to pointing out its relation to Papal precepts as distinguished from definitions and universal laws, and, at the same time, meeting Mr. Gladstone's comment on what he considers an unwarranted limitation of the Vatican Decree as regarding obedience to the Pope. I return now to the precise point at issue. Conscience is the appointed guide of every man's free actions, great and small. It is the immediate guide, subordinate to all precepts imposed by God or man, as much as the judges of our courts and their decisions are subordinate to the common and statute law which they apply. It is impossible for any man to do any good or bad action without obeying or disobeying conscience. An action not related one way or the other to conscience is not a moral action at all. Conscience, rightly understood, is not another name for self-will. Conscience is not an authority set up for a purpose, for the purpose of resisting commands of the Pope or of any other legitimate ruler. But as the most legitimate human ruler may, perchance, in some instances, prescribe what is wrong, or what he has no power to prescribe, and as, in such cases, he either ought not or need not be obeyed, and as the practical decision to that effect must, if made at all, be made by conscience, just as the opposite decision would have to be made in the common course, so it is conscience which withstands the unwarranted precept. There is certainly no Protestantism in this.

What did Protestantism do? It cast off the divinely constituted authority of the Church in Faith and Morals. It overturned the system which Christ had established for the religious government of men. It proclaimed the

all-sufficiency of the Bible, interpreted according to each one's fancy; without heeding the inability of so many to *read* the written Word of God, of so many more to *study* it as it would have to be studied in order to make out a creed from it, of so many more again to *understand* it. Protestantism proclaimed an unbounded liberty of belief, and then condemned those who used that liberty. Every one was to explain the Scripture as he might feel himself disposed to explain it, while, by an inconsistency which, up to a certain point, was useful, doctrines were taught and insisted on, and people were *not* left to themselves. I say this was useful up to a certain point, because some sort of Christianity was maintained longer than it could otherwise have been, and the process of total religious dissolution, to which Protestantism naturally tends, was made slower; and even imperfect Christianity is better for society than the entire absence of it. Then, in this state of things, there may be many individuals who, through simplicity on the one hand and the influence of God's grace on the other, have real Divine Faith in those revealed doctrines which they hold, and belong in a certain true sense to the Church, which they do not explicitly recognise. Here that *invincible ignorance* which is occasionally spoken of may enter to excuse, and I would observe that there is a great affinity, and even identity, between invincible ignorance and an *invincibly erroneous conscience*. Yet, one difficulty that stands in the way of Protestants, and of their sincerity and good faith, arises from the fact that their professed religion is *a religion of inquiry*, and the neglect of inquiry is the neglect of an apparently recognised duty. But I am digressing.

I would observe that conscience does not serve as a valid plea before the outward tribunals of the State or of the Church. If a person misconducts himself, and outwardly

violates precepts to which he is subject, the mere allegation of a conscientious dictate will not avail to obtain him impunity; and this is not attributable to any mere legal maxims or presumptions necessary for the protection of society. The law, for instance, will not listen, in many cases, to defences on the score of ignorance, though that ignorance may be real and excusable and excusing in the eyes of God, because public policy forbids the admission of what may often be pretexts. But the reason why conscience cannot be pleaded for clearly wrong things is, that, as a rule, it cannot be true that conscience—at any rate, an invincibly erroneous conscience—exists to dictate them. It would be easier to suppose madness; and yet other circumstances may negative such a supposition. Hence, even outside of courts, human society will not recognise those appeals to conscience. Still, *if*, by a possible or impossible hypothesis, a man were in reality acting, in the worst of these cases, from an invincibly erroneous conscience, he would be free from guilt before God.

CHAPTER XXII.

Liberty of Conscience.

The question concerning the nature and influence of conscience naturally enough connects itself with that of *liberty of conscience*, of which Dr. Newman took occasion to speak in this context, and of which I also will say something.

What, then, is meant by *Liberty of Conscience?* It is, in general terms, the recognised right to hold, profess, and practise any one of all or several religions. This may seem, and will turn out to be, a somewhat vague definition. No other than a vague definition can be given: because liberty of conscience has ever so many degrees and phases. Of course, *absolute* liberty of conscience would be the unlimited right to hold, and to profess, and to practise any religion or so-called religion. Why the name of liberty of conscience should be given to such a right—restricted or not—is quite another affair. But no one will, I apprehend, controvert the popular and received signification of the phrase. First of all, liberty of conscience is a recognised right, or, more properly perhaps, the recognition of a right, whether the right itself really exists or not, as a genuine rational claim. By whom is this recognition supposed to be accorded? Is it by writers and talkers, by public opinion, by sects or sections of religionists or their theologians, or by governments? Governments alone can effectually recognise the right, so as to give it legal force in civil society. But the other classes can affirm the right to be inherent in men. They may even go so far as to assert that everyone is free to *think* what he likes in

religious matters, to suit his own taste, to make his religion for himself, that he is not tied up in this by God, and ought not to be meddled with by his fellowmen. This is a length to which anyone professing to believe in God will hardly go in words, but how far some stop short of it we cannot always easily tell. Christians even of the loosest sort confine themselves to saying that men are justified in holding what they think is the truth that comes to them from God. How far this is tenable depends on what is meant by *thinking*. Whoever is in *invincible* error is not *guilty* in his holding, because *invincible* and *inculpable* are convertible terms. But every error is not invincible, and no other is excusable.

But liberty of conscience is chiefly understood to imply not so much holding only, as professing and openly practising, and, again, this liberty is spoken of in relation to one's fellowmen and not to God. That is to say, the theory is that men have no business to interfere with other men as to their creed, except so far as those other men have voluntarily undertaken to join in a particular religious profession. Even then the interference ought to be of a very confined and mitigated character. A sectarian who breaks through the rules of his sect and deserts its belief may be discarded by the sect. If he is a minister, his ministrations may be dispensed with, and even if a mere member, he may no longer be treated as a religious brother; though indeed the laxity allowed and maintained under this respect is often exceedingly great, and, in some instances, is carried very far, even in the Church of England, which is held up as a model of *Protestant*—or, as some of its members would say, *Catholic*—orthodoxy. An Anglican parson is not easily got rid of; indeed, not at all so easily as many a dissenting minister. The law of the land, which gives so much respectability to the estab-

lishment, often stands effectually to heterodox clergymen and bishops.

Well, then, the theory is that men have not, outside of contracts, any business to interfere with other men in religious matters. To God alone are they accountable in this department. No man, it is said, has a right to go between God and his neighbour's conscience. This is a high-sounding, solemn, and it may be, somewhat plausible axiom, the value of which we may test a little further on. We are not, however, to imagine that all advocates of liberty of conscience give the benefit of that liberty to *all* religions—that the freedom of worship they proclaim is universal. Many of them would confine it to *Christians*—a very wide term, no doubt, as things go now-a-days, yet one which conveys a limitation. Many of them too would be very glad to cut out the largest Christian denomination, the Catholic Church, though often they have a certain delicacy about saying so. Yet writers and talkers and public opinion—that great potentate of our times—and sects and divines cannot *give* liberty of conscience nor take it away. This function rests with civil governments. These have no immediate concern with the interior belief or opinions; but they have with the profession of religious doctrines and the practice of religious worship. The degrees of religious liberty as granted by the State in different countries have been and are very various. They are various as to the religious bodies so favoured; they are various as to the amount of public worship allowed; they are various as to the ecclesiastical authority permitted to be exercised within the bodies; they are various as to the civil rights enjoyed by the members; they are various as to the *status* which the religions hold in the country. We know that in this empire, long after Catholicity ceased to be directly punishable as a felony or a misdemeanour,

its professors were rigorously excluded from the participation of many civil rights; that even now the crown cannot be worn by a Catholic, nor, I believe, certain civil offices held by Catholics, though indeed there are scarcely any from which they are *certainly* excluded. In England still, and in Scotland, there are established churches with prerogatives not shared by the Catholic Church. Even in Ireland, the exercise of Papal jurisdiction is not only not recognised, but, according to high authorities, positively illegal; and religious corporations of men are in a true sense proscribed. We know, likewise, how the Catholic Church is treated in Germany, in Switzerland, and elsewhere.

Liberty of conscience as regards Christians was for a long time after the Reformation unknown in these countries of ours. Catholics were fiercely persecuted by the State. Even still, our liberty is not under all respects complete, though our legal position is immensely improved, and we cannot be said to be groaning under disabilities. As to Christianity itself as such, a wonderful change has come over its relations to the State in this empire. "When I was young," says Dr. Newman, "the State had a conscience, and the Chief Justice of the day pronounced, not as a point of obsolete law, but as an energetic living truth, that Christianity was the law of the land."* This we know is not the case now. As Dr. Newman had said a few lines above the words quoted: "Could *savants* in that day insinuate what their hearers mistook for atheism in scientific assemblies, and artizans practise it in the centres of political action? Could public prints day after day, or week after week, carry on a war against religion natural and revealed, as now is the case? No; law or public opinion would not suffer it."† Undoubtedly law would not

* "Letter to the Duke of Norfolk," p. 68. † *Ibid.*

suffer it. We may safely say that Christianity is no longer the law of the land, though there is still an air of Christianity about it, and so much the better.

My definition of liberty of conscience was this: Liberty of conscience is, in general terms, the recognised right to hold, profess, practise any one of all or several religions. I will now give another definition more restricted and more suited to my immediate purpose; namely, liberty of conscience is the recognition by the State of each man's right to profess and practise any religion, with or without certain exceptions. The exceptions alluded to in the last clause, where such exist, limit liberty of conscience and prevent its being *absolute*, but do not completely destroy it. I have in both definitions inserted the terms *professing* and *practising;* I have not introduced another which may have some claim to a place, that is *propagating*. Certainly, the right of propagating a religion, bringing others to the adoption of it, belongs to the fulness of the liberty of conscience, as popularly understood, and this on two grounds—first, because the right to make converts to a particular creed widens the scope of religious action on the part of those who already profess it; and secondly, because the right of embracing a different religion from that previously professed, belongs to the liberty of conscience of those who are allowed to make the change. In every case, whether the right of propagation is conceded or not, free profession and practice of a religion will lead to actual propagation, unless the demerits of the religion stand in the way.

But why is liberty of professing or practising, or propagating the religion of our choice called *Liberty of Conscience?* I shall be answered by thousands telling me that the thing is obvious—that liberty of conscience is liberty of acting according to one's conscience—that

religion is a matter of conscience, and therefore liberty of conscience is liberty of professing and practising whatever religion one pleases. Liberty of conscience, I rejoin, may mean liberty of acting according to one's conscience, and religion may be a matter of conscience. But, is it the *only* matter of conscience? I freely admit that in one sense this is so, because all moral obligations, with which alone conscience has to do, belong to religion, as I have myself stated and briefly proved elsewhere in these papers.* But this is not the sense in which the answerers speak. They do not look on all moral obligations as belonging to religion, when they say that liberty of conscience is liberty of religion. They mean, so far as they themselves know what they mean, distinctive theological doctrines in matters which do not, in the ideas of the speakers, affect the common concerns of human life; they mean, too, worship, devotional practices. Then, I ask whether the claim to liberty of conscience is based on the general principle that a man should be allowed to follow his conscience in everything, or on a special principle regarding religion in the sense in which they take it? Is every man entitled to do whatever he likes in all manner of things, and say he is acting up to his conscience? Surely not, they will reply, such liberty would upset society in a day. Then, I say in my turn, the principle must be a special one for Religion, and Religion, I add, is not, after all, any more a matter of conscience than those other things which they would not include under the name of Religion. Possibly I may be told that, though other things besides Religion belong to conscience, Religion belongs to conscience *alone*, while other things do not belong to conscience alone. If a man kills or robs his neighbour, the perpetrator's conscience is certainly concerned, unless he be insane. That conscience is

* *Ante*, pp. 6 and 7.

presumed to condemn the act, but may *possibly* approve it, and even justify it. But the State and society do not and cannot go into that question. Public order and the safety of men's lives and properties, and the laws of God and man, demand that he should be punished. On the other hand, whether he admits seven sacraments, or two, or none, whether he holds there are three Persons in God or only one, or even that there is no Personal God, is a matter that regards his conscience alone, and therefore he is entitled to follow his own way without hindrance. He may settle the question with his Creator—if there be such a Being—he is not accountable to his brethren on earth. Is not this satisfactory? Am I not content yet? No, I am not. I hold out still. I say that Religion does *not* concern conscience alone. The true Religion, whichever it is—if there be a true Religion—is an objective reality, not a mental creation of any man or number of men, not dependent for its existence or its truth on their consciences. They will be judged, no doubt, individually by the Almighty according to their consciences, and so will the slayer or despoiler of his fellow man; but the true Religion is imposed on men by an exteriorly promulgated Divine law, and furthermore, it deeply concerns civil society. It is certain and is generally admitted now, and was till a short time since still more generally admitted, that society cannot stand without some Religion, true or false, one or manifold; and no State has ever had at least any appreciable duration without it; and undoubtedly the true Religion is that which God has appointed to do this work for society.*

Not to deal in generalities, I come to the Catholic Religion. I have all along, in these papers, been speaking to Catholics, though sometimes meeting arguments of

* *Ante*, pp. 25 & 26.

Protestants, and in a degree, if I may say so, digressing to speak to them. But it is to Catholics I am mainly addressing myself. Besides, even as regards Protestants or others outside the Catholic Church, it is of no small moment they should understand that we Catholics are consistent, and that certain tenets of ours are not excrescences but appertain to the substance of our Religion. Some of these adversaries would say: "So much the worse; for these tenets show what sort the Religion is." I cannot prevent those who choose from saying this; but what would they say in another view—what do they say when the Pope in condemning a proposition proclaims what they consider to be an arbitrary appendix to our Religion? Let us hold to our Religion as it is, and not shirk difficulties. Well, then, the Catholic Religion was revealed by God to be the Religion of all men, to be bound up with civil society, not to be subject to State authorities, but to be cherished and supported by them, and to cherish and support them in turn, to uphold their legitimate authority. I have spoken of this elsewhere somewhat more at length, and I do not wish to burden my readers with repetitions.* Suppose the Catholic Religion to be the Religion of all men, as God wished it to be. Suppose the Catholic Religion to be recognised as Divinely true by all sovereigns, as God wished it to be. Suppose the Catholic Religion to be united with every State in friendly alliance, as God wished it to be. Suppose, further, that in the midst of this condition of things a few men, or even not so very few, rose up in some country and sought to disturb this Divinely appointed system, would they, or ought they to, have been left free to do so? Certainly not. God's plan would not have been reasonably or legitimately sacrificed to their fancies. That plan was not carried out to the

* *Ante*, pp. 21 & 22.

full, nor nearly to the full throughout the world, God Himself so permitting. It is not to be seen at present completely realised in any country. In ages gone by, and not so very long gone by, it was in operation in several countries—countries exclusively Catholic—and this state of things lasted, we may say, though not in its fulness, down to our own times in Spain and Portugal and their dependencies and in Italy. Nor can it be considered as yet obsolete in those countries. It is the undoubted duty of Catholic governments to protect the Catholic Religion, to promote its interests, to guard their subjects against the encroachments of heresy, so far as circumstances permit. The followers of false religions may sometimes have acquired such a footing in the country that they cannot be legitimately disturbed. Civil toleration and an equality of rights may have become necessary in many places. Certainly Catholics, and the Catholic Church, are not disposed to preach a crusade against Protestants settled in any country, even where they would prevail in the attempt. But the theory that unbounded liberty of conscience, in the received sense of the phrase, in other words, unbounded liberty of religious profession and worship—the theory, I say, that this liberty is a thing originally and fundamentally right is a false theory. In this statement I have with me all those Protestants who would deny the liberty in question to non-Christians—not to speak of those who would deny it to some sections of Christians. I have them with me, I say, not only in what they formally hold, but also, in a true sense, in what they may choose to reject. For if the principle be once admitted, so far as non-Christians are concerned, its limits cannot be fixed there; since Christianity, as such, and as including all who call themselves Christians, is not one Religion, and the various creeds comprised under the name cannot be

all true or Divine, and cannot consequently have a common prerogative based on the supposition of truth or divinity; and if supposed truth or divinity be not the basis, why should non-Christian religions be excluded?

I can easily understand that many outside the Church and some within its pale will demur to my assertion. They will look on it as illiberal, as unworthy of the nineteenth century—the century of progress, the century of free institutions, the century of everything generous and unbigoted, and so forth. But, be the century what it may, a Divine Religion, revealed for the benefit of all men and proclaimed to the whole world, is fundamentally entitled to protection and maintenance by the State, and the population of the State are entitled to protection from pernicious error, to protection against the enemies of truth, and also against the probable results of their own weakness. This could not now be done everywhere, and will be done nowhere, because there is not a thoroughly Catholic government on the face of the earth. I will not delay here to prove my position, which could be proved no doubt at great length, but does not seem to need proof, if the real nature and intent of the Christian revelation be once understood. I prefer dwelling a little on another kind of difficulty which may be raised both by Protestants and Catholics, though in a different way by the two classes.

It comes to this. If Catholic governments have a right to exclude Protestantism, and to maintain Catholicity against it, Protestant governments have the same right in the opposite direction; or, at any rate, cannot be effectually called to account for acting as if they had. We Catholics might say to a Protestant sovereign or prime minister: "Our Religion is true and Divine; yours is not; therefore you have no right to exclude or restrain us." "I beg your pardon," he would reply, "my Religion

is the true one; at least I think *it* is, as you think *yours* is, and I have as good a title to protect my own as you have to protect yours. Satisfy me, if you can, that the Catholic Religion as it stands is from God, and then I will let you have your way." So, until Catholics convert Protestant statesmen to their faith, they have nothing to say, no conclusive argument to advance why they should not be treated as a Catholic sovereign is warranted and even called on to treat Protestants, where they have not a civil right to hold their ground, as to their public religious profession and worship. The difficulty, I have said, would be put somewhat differently by Catholics and by Protestants. Protestants would upbraid me for dealing out a measure to them which I should complain of if dealt out to myself. What claim have I to be admitted to full fellowship with them, seeing that I would not do likewise by them? Catholics, on the other hand, would say: "Take care what you are about, don't spoil our cause. It is our interest to take our stand on the broad principle of liberty of conscience for all, on the doctrine that differences of religion are not to be minded by governments, that they are to be settled with God, not with man."

I freely admit that this doctrine is convenient for Catholics who have to do with Protestant governments. The principle of liberty of conscience, unbounded liberty of conscience, once admitted, is a strong shield and a powerful weapon against oppression of Catholics. The unexclusiveness of the principle commends it to many an adversary of our faith. Hence it is that Catholics have been led to proclaim it, emphasise it, and extol it in the most eloquent terms. I do not mean to imply that the Catholics I allude to consciously put forward a false theory for a purpose. They sincerely adopt it. Besides the plausible abstract reasonings whereby it is defended, men

are easily led to generalise what fits their own circumstances. One who finds tropical heat serve his health, would be apt enough to set down a high temperature as the most wholesome generally. The convenience of the ultra-tolerant theory we have been considering commends it to those circumstanced as Catholics are in these countries, and helps to make many of them *believe it;* while, on the other hand, they are disposed to look on an opposite view as not only incorrect but dangerous. But, for all that, the principle is not true, and we must not sacrifice truth to convenience, not even to what may seem to be the public good. The principle is one which is not, and never has been, and never will be approved by the Church of Christ. Those propositions of the Syllabus which regard this matter may, no doubt, be misunderstood or distorted by our opponents, and need to be carefully considered, and not crudely explained; but they do, so far as they go, represent the principle; and that condemnation which their insertion in the Syllabus involves, whatever be its degree and precise character, is undoubtedly an echo of the doctrine of the Church—a doctrine adverse to the principle of so-called liberty of conscience.*

No convenience can warrant our departure from the Church's doctrine. This departure would not, in the long run, be even politic, because we should be constantly liable to the reproach of gainsaying the Church whose

* *Syllabus.* 77—"In this our age, it is no longer expedient that the Catholic Religion should be considered *(haberi)* as the only Religion of the State, to the exclusion of all other religions *(cultibus)* whatsoever." 78—"Hence it has been laudably provided in some Catholic countries *(Catholici nominis regionibus),* that persons immigrating into them should be allowed the public exercise of each one's religion." 79—"Indeed it is false that the civil liberty accorded to every religion, and likewise the full power allowed to all, of openly and publicly manifesting whatever opinions and thoughts they entertain, conduces to render more easy the corruption of the morals and minds of populations, and to the propagation of the pestilence of indifferentism."

guidance we profess to accept. We should be driven to saying either that we disagreed with the Church—which God forbid—or that the Church did not mean what she said and did.

But what about the difficulty? Is it unanswerable? Surely not. Before suggesting its true solution, I must repeat, that circumstances vary very much the application of what I hold to be the undoubtedly true doctrine, or, more correctly, that the doctrine itself fully developed makes allowance for circumstances and embodies exceptions which do not appear on the face of a statement of it. As the Divine commandment—*Thou shalt not kill*—does not, when fully explained, convey an universal prohibition to kill men in all combination of circumstances, though such may seem to be its meaning, so the equally Divine Law which commands the exclusive maintenance of the Catholic Religion does not comprise all possible or actual cases. I will even go so far as to say that the question we are dealing with is at the present day in large measure speculative.

Now, how is the difficulty to be solved? More or less, this way: The position of a Catholic government of a Catholic country with reference to the Catholic Religion is totally different from that of a Protestant government even of a Protestant country, with reference to the Protestant religion, or rather any phase of Protestantism; for there is in reality no such *Religion*, true or false, as *the* Protestant Religion, any more than there is such a *Religion* as common Christianity. There may be Protestant Religions in the plural number, there is not *one* in the singular. But this by the way. The great reason of this difference of positions of Catholic and Protestant governments with reference to the Catholic Religion and any Protestant Religion is, that the Catholic Religion is

presented as a Divinely revealed Religion committed to the care of a Divinely instituted and Infallible Church, which Church definitely declares the details of belief and practice contained in the revelation, superadding her own laws and ordinances in virtue of her own Divinely revealed commission; while each particular form of Protestantism is confessedly a digest of dogmas and practices said to be contained in the Christian revelation, but made by fallible men according to their lights, with the addition of laws and ordinances enacted by themselves without the semblance of any such Divine commission as is claimed by the Catholic Church. If any of them do pretend to a Divine commission, they do not pretend to be infallible in claiming it, nor to have the guarantee of any infallible person or body for their possession of it.

A Catholic government recognises the Divine revelation of the Catholic Religion and the Divine institution and commission of the Catholic Church, both of which are likewise recognised by the Catholic people. A Protestant government embraces a particular set of *theological opinions* —to give them the most respectable name that I can—and charters, in some shape, the body of divines who hold those opinions. The Protestant government does not, any more than the Catholic, attribute infallibility to itself. The Protestant government does not acknowledge infallibility in the pastors who propound those particular doctrines which distinguish the sect. The whole *status* of the Religion comes from the divines and the government, a great deal of it from the latter, and the government exercises a very effectual supervision over doctrines and discipline. In the one case the government accepts a Religion presented as Divine and Divinely provided with all religious appliances, and absolutely repudiating all subordination to the State—the *Religion*, I say, and its professors too, *as such*; in the other

the State sets its seal on a religion which, as to its particular form, is unmistakably a human institution. As I remarked in a preceding paper, Anglicans do not pretend to believe with *Divine Faith* that Anglicanism—which is, after all, among the best of the sects called Protestant—is as to its particular doctrines and form *the true Religion*.*

It comes to this, that each particular form of Protestantism, and the whole of Protestantism as contra-distinguished to Catholicity, is but a set of opinions. Whatever may be the actual adhesion of kings or people to them, their outward *status* is that of opinions, as they are avowedly fallible explanations of, or deductions from, the Christian revelation. Now, surely there is the greatest difference between exclusively protecting and maintaining a religion presented as revealed by God, and as proposed in detail by an Infallible Church, and similarly protecting and maintaining a religion which, in its distinctive shape, is the work of those who hold it or of some among them.

Add to this, that all Protestants admit in effect the right of private judgment, not perhaps always under that name, nor in the same extravagant way as some of the first Reformers, but in reality and in substance. For they all deny a permanent infallible authority, and all take their respective systems of belief from a comprehensive, complicated mass of revelation, obscure in many parts, and open to discussion about its real meaning in many others; all, I say, take their system of belief from this revelation *as they understand it*. If controversies arise, these are left unsettled, or are settled either by each man for himself or at best by an accommodating assent to the decision of some conventional tribunal for the sake of outward concord. Here we have private judgment without any mistake. Now I say, once private judgment is admitted in the form-

* *Ante*, p. 215.

ation of systems of belief, the attempt to deny to Catholics the right of understanding revelation otherwise than Protestants understand it, and of professing and preaching conformably to their system, is arbitrary and inconsistent. In the same revelation which Protestants claim to explain according to their respective lights, Catholics see the institution of an Infallible Church from which the details of doctrine are to be accepted, and from this church they do accept their doctrines. In this what business have Protestants to stop them? Certainly none.

CHAPTER XXIII.

The Council of Constance.

When treating of the Definition of Papal Infallibility, and not long after entering on that subject, I alluded to the Councils of Pisa and Constance, "of which latter," I added, "I will say more hereafter." * I have not yet fulfilled this promise. I was taken up first with the development of views concerning the Infallibility—then, following a natural connection, with "Obedience due to the Pope," out of which arose a statement on "Conscience," and out of this arose again another on "Liberty of Conscience." It is time I should say what I have to say about the Council of Constance. It will not, after all, be very much; for though a great deal has been written on the subject, and a great deal consequently could be set down here regarding it, and though it could be treated at considerable length without ground being afforded for a charge of superfluousness, yet this would be out of proportion with the scale on which I am proceeding, and is besides not at all necessary for the solution of any difficulty which has arisen out of the decrees or action of the Council of Constance.

I might indeed spare myself the trouble of treating the question at all, and refer my readers to the able answers already given by Dr. Kavanagh and Canon Neville—by the former in "A Reply to Mr. Gladstone's Vaticanism"; † by the latter in "Some Remarks on Vaticanism," ‡ subjoined to a second edition of "A few Comments on Mr. Gladstone's

* *Ante*, p. 187. † Page 48 and following.
‡ Page 114 and following (of third edition).

Expostulation." But, as I have promised, I must perform.

Mr. Gladstone has made great capital of the Council of Constance against the Pope's Infallibility, and his supreme authority over the Church collectively, and over a General Council. He does not argue so much from that Council taken by itself, with its confirmation by Martin V., as from the diametrical opposition he sees between it and the Vatican Council.

"It is not," he says, "my object to attempt a general appreciation of the Council of Constance. There is much against it to be said from many points of view, if there be more for it. But I point out that for the matter now in hand the questions of fact are clear, and that its decrees are in flat and diametrical contradiction to those of the Vatican. This of itself would not constitute any difficulty for Roman theology, and would give no proof of its breach with history. It is admitted on all or nearly all hands that a Council, however great its authority may be, is not of itself infallible. What really involves a fatal breach with history is when a body, which professes to appeal to it, having proclaimed a certain organ to be infallible, then proceeds to ascribe to it to-day an utterance contradictory to its utterance of yesterday; and thus depriving it not only of all certainty, but of all confidence, lays its honour prostrate in the dust. This can only be brought home to the Roman Church, if two of her Councils, contradicting one another in the subject matter of faith or morals, have each respectively been confirmed by the Pope, and have thus obtained, in Roman eyes, the stamp of infallibility. Now this is what I charge in the present instance." *

Mr. Gladstone then goes on to develop his arguments in an exulting and triumphant strain. His glee and buoyancy are quite soul-stirring and almost cheering, antagonistic

* "Vaticanism," pp. 57, 58.

though he be; and we can afford to enjoy the rushing of this torrent, which we know after all to be harmless. Everything depends on the view to be taken of the Council of Constance and its decrees and subsequent confirmation by the Roman Pontiff; and the whole of this is a matter of old standing, often discussed and sufficiently settled long before the Vatican definition, and still more thoroughly settled since. No doubt the contrast and asserted mutual contradiction *between the decision of the two Councils* is new—that is, not of earlier date than 1870—but the character and sense and position of the decrees of the earlier Council, and their consequent bearing on the Pope's Infallibility and supreme authority, have been before the world in general, and the theological world in particular, for more than four centuries; they have not stood in the way of innumerable defenders of that doctrine which the later Council solemnly sanctioned five years ago, men who had the same ideas about General Councils that we have, and the same absolute belief of the infallibility of a General Council in conjunction with the Pope that we have, and had before the Vatican Council was thought of. They knew likewise as well, at least, as Mr. Gladstone, what was the state of facts as to the Council of Constance. No doubt there were others, in much smaller number, who impugned the Pope's prerogatives from the decrees of Constance, but did not for the most part regard the so-called Ultramontanes as heretics. It is rather too late to make the discovery that a definition such as that of the Vatican Council, embodying doctrines so extensively maintained in the Church, must necessarily be irreconcilable with a previous declaration with which all were acquainted.

Suppose the Vatican Council had issued no definition or had not existed at all, would the defenders of the Pope's Infallibility and supreme authority over General Councils be justly

branded as rebels to the Teaching Church and to an approved General Council? Were they so regarded by the Gallican school—by which phrase I mean to designate those writers who, while they restricted, and even unduly restricted, the Pope's prerogatives, were recognised generally through the Church as still Catholics? Most undoubtedly not. Now *the opposition* between the Vatican Council and that of Constance—if there be any opposition—is not greater than the opposition between the defenders of the Papal claims in question and the same Council of Constance. A Council's definition is something more serious than a Theological assertion or even a Theological treatise. But an assertion merely made by any writer is as much or as little *opposed* to a given definition as the same assertion would be if *it* too was defined. If the Pope's fallibility and his inferiority to a General Council had been effectually defined by a General Council, confirmed *in this* by the Roman Pontiff, all contraveners of these doctrines would have been, according to Catholic principles, maintainers of heresy; and it is presumable that this would have been found out in the course of four centuries.

So much for a general answer to Mr. Gladstone's argument, and the alleged collision between two General Councils on a point of dogma. I will now come down to particulars. And first, we shall be helped by considering the circumstances which led to the holding of the Council of Constance. On the death of Gregory XI. (which took place at Rome, whither he had gone from Avignon, where he and several of his predecessors had successively lived and kept their court, though, of course, Bishops of Rome) in 1378, the Cardinals then in the city—sixteen out of twenty-three then constituting the Sacred College—went into conclave and elected Pope the Archbishop of Bari, a Neapolitan, who took the name of Urban the Sixth. At

the time of the election there was a good deal of tumult and commotion at Rome, and a stormy demand for the creation of a Roman or at least an Italian (some say *a Roman* absolutely—and this point is to be noted)* to the exclusion of foreigners, and, I should say, specially Frenchmen. Soon after the instalment of the Pontiff, twelve of the Cardinals who had formed the conclave and one who had not been then in Rome assembled at Anagni, and protested against the election as not free, and a little later, with three others who had formed part of the conclave—in all again sixteen—met at Fondi, and elected a Pope, who called himself Clement VII. Though the election of Urban is now generally considered to have been valid, there was colourable ground for viewing it otherwise, and for regarding Clement as the true Pope. Each of these claimants had his College of Cardinals. On the death of each of the claimants a successor was elected by the Cardinals *of his obedience*, as the supporters of the respective claimants were termed. The successor of Urban was Boniface IX., who was succeeded in his turn by Innocent VII., and he again by Gregory XII. The only successor of Clement VII. —that is, the only one of whom any account is to be made —was Peter de Luna, who was called Benedict XIII. In the year 1409 the Cardinals of both obediences—that of Gregory XII. and that of Benedict XIII.—united in calling a General Council to meet at Pisa and settle the question of the Papacy. A Council accordingly assembled, Gregory and Benedict were summoned to appear before it, and, not

* The importance of the distinction—so far as it is important—lies in this, that if the crowd demanded *a Roman* absolutely, the Cardinals did not yield to the popular clamour by electing *a Neapolitan*, but went against it, and thus acted with more palpable liberty than if by electing *an Italian* not *a Roman*, they had in some degree fulfilled the desire of the turbulent party. The Cardinals, after having elected the Archbishop of Bari, being invaded by a mob, pretended that they had elected a certain Roman Cardinal, who, however, a little later informed the people it was not so.

appearing, were eventually deprived and deposed by the Council. After this the Cardinals assembled in conclave and elected Cardinal Filargi Pope. He took the name of Alexander V. Gregory and Benedict still held their ground, so that there were three claiming the Papacy—Gregory as the legitimate successor of Urban VI., whom he maintained to have been legitimately elected and truly Pope; Benedict as the legitimate successor of Clement VII., who, *he* contended, was truly Pope; and Alexander as elected to fill the chair made vacant by the deposition of Gregory and Benedict. Alexander died, and was succeeded by John XXIII. This Pope called the Council of Constance, in some sort as a continuation of that of Pisa, but still by a sufficient distinct convocation. The Council assembled in 1414. Such were the circumstances under which the Council of Constance commenced.

We may here stop to inquire what is to be said of the position, at that time, of the three claimants, and their rights with regard to the Papacy. In the first place, there was all through, from the death of Gregory XI. in 1378, *a* Pope—with the exception, of course, of the intervals between deaths and elections to fill up the vacancies thereby created. There was, I say, at every given time *a* Pope, really invested with the dignity of Vicar of Christ and Head of the Church, whatever opinions might exist among many as to his genuineness; not that an interregnum covering the whole period would have been impossible or inconsistent with the promises of Christ, for this is by no means manifest, but that, as a matter of fact, there was not such an interregnum. Next, it seems pretty well established that Urban VI. and *his* successors, including Gregory XII., were true Popes; that Gregory continued so till his deposition in the Council of Pisa; that he then ceased to be Pope; that Alexander V. on his election became really

Pope, and after him John XXIII., who convoked the Council of Constance. Still, the right of Gregory XII. up to the Council of Pisa, depending as that right did on the valid election of Urban, is not quite evident; and, on the other hand, the cessation of his Pontificate through the action of the Council of Pisa admits of some doubt, as it is not demonstrated that that Council was really ecumenical, even so far as it could be ecumenical without conjunction with a Pope. If the deposition of Gregory was void, he continued Pope till after the assembly of the Council of Constance. The same is true of Benedict XIII. in the less probable hypothesis that *he*, and not Gregory, was really Pope at the time of the meeting of the Council of Pisa.

Certain it is that, at the commencement of the Council of Constance, Gregory and Benedict respectively claimed the Pontifical dignity, and that neither they nor their adherents acknowledged the legitimacy of the Council nor took part in its earlier sessions. Hence the ecumenicity of the Council at this period has been questioned, not so much on the ground of any doubt of the competence of John to call a Council as on that of the absence of those Bishops who sided with Gregory and Benedict, denying as they did the right of John to the Papal dignity, and with some colour of title to do so. Such was the state of things in the fourth and fifth sessions in which the famous decrees were passed.

In the twelfth session, John, not actually present at the time, was deposed by the Council, and accepted his deposition, when notified to him, laying aside the Papal insignia. In the fourteenth session, Gregory, not present but represented by deputies whom he fully authorised for the purpose, first convoked the Council afresh and then resigned the Papal dignity. In a General Congregation held between the twentieth and twenty-first sessions certain

articles were approved, in which it was provided, among other things, that there should be a fresh convocation addressed to the adherents of Benedict. In the twenty-second session these articles began to be carried out, and Benedict was deserted by almost all his adherents, so that the Council became as ecumenical as it could be without a Pope. In the thirty-seventh session Benedict was finally deposed. In the forty-first session Martin V. was elected in a conclave comprising the twenty-three Cardinals who were there and thirty other electors added by the Council with the consent of the Cardinals. The election took place on the 11th of November, 1417, thirty-nine years after the commencement of the schism which was thus substantially at an end. Peter de Luna, calling himself Benedict XIII., held out till his death in 1424, and even enjoined on his two Cardinals to elect a successor, which they did. But this successor resigned in 1429, and his so-called Cardinals, by his direction, elected—as far as in them lay—the existing Pope Martin V.

From what has been said it appears, first, that before the election of Martin V., two of the three claimants had abdicated; secondly, that the final deposition of Benedict, who most probably never had been really Pope, was pronounced by a Council as thoroughly ecumenical as a Council could be without the Pope.

It is not certain that any vacancy of the Papal throne between the death of Gregory XI. and the election of Martin V. was absolutely *dependent* on the act of *any* Council, as some would contend that Gregory XII., who is supposed to have been at first really Sovereign Pontiff, was not effectually deposed by the Council of Pisa and continued Head of the Church until the Council of Constance. Whatever may be said on this point, it is very much more probable than not, that the vacancy which

gave room to the election of Martin V. was not absolutely dependent on the action of the Council of *Constance*. For the claim of Benedict rested on far weaker grounds than that of John and even of Gregory. Now, as to John and Gregory the vacancy was not dependent on the action of the Council. For John accepted his deposition, and thus equivalently abdicated, and this cession was studiously obtained by the Council; and Gregory was not deposed by the Council, but himself renounced the Papal dignity. Next, as to the election of Martin, it does not seem to have been absolutely dependent on the action of the Council. It was immediately the work of the Cardinals, associated, by their own consent, with other electors, and, as it was unanimous, or at least voted by two-thirds of *the Cardinals*,* it could stand irrespectively of the votes of the other electors if they be considered superfluous. I make these remarks, not because they are *necessary* for the main object I have in view, but to show that the authority of the Council of Constance is somewhat unduly extolled on the ground precisely of its connection and identification with the legitimacy of Martin's election. I certainly do not doubt for a moment that the Council of Constance was ecumenical *in its celebration*, if not from the beginning, at least before the election of Martin—so far as it could be such without the Pope—that it was most fully ecumenical in its celebration during the sessions in which he presided, and that it was ecumenical in its exit or termination.

I most fully admit, too, that the Council of Constance was the means of putting an end to that terrible schism which had afflicted the Church so long, a schism without parallel in ecclesiastical history. There had been anti-popes before from time to time, but never for such a continuance, nor ever with such obscurity as to who was the

* This (usual) condition was maintained by the Council.

rightful Pontiff, nor ever with such a following. A General Council was the proper remedy, or rather the proper road to a remedy. Clearly the Church, when destitute of a Head, or of a certain unquestioned Head, has the right and the power to provide for herself, and determine on a course which seems fit to furnish her with a Supreme Pontiff, and the course maturely taken is to be considered as Divinely authorised. The Pope does not derive his jurisdiction from the Church; but the determination of the person who is to possess that jurisdiction coming from God, is effected by men, according to rules laid down by the supreme authority in the Church, that is, by existing Popes, and supplementarily, where necessary, by a General Council, or even perhaps by the College of Cardinals. If it should happen that there are one or more doubtful Popes, whose pretensions are an obstacle to the government of the Church by one universally recognised Vicar of Christ on earth, a General Council can set aside the obstacle. A doubtful Pope *may be* really invested with the requisite power; but he has not practically in relation to the Church the same right as a certain Pope. He is not entitled to be acknowledged as Head of the Church, and may be legitimately compelled to desist from his claim.

The great schism of the West suggests to me a reflection which I take the liberty of expressing here. If this schism had not occurred, the hypothesis of such a thing happening would appear to many chimerical. They would say it could not be; God would not permit the Church to come into so unhappy a situation. Heresies might spring up and spread and last painfully long, through the fault and to the perdition of their authors and abettors, to the great distress too of the faithful, increased by actual persecution in many places where the heretics were dominant. But that Catholics should be divided on the question of who

was Pontiff, that the true Church should remain between thirty and forty years without a thoroughly ascertained Head, and representative of Christ on earth, this would not be. Yet *it has been*, and we have no guarantee that it will not be again, though we may fervently hope otherwise. What I would infer is, that we must not be too ready to pronounce on what God may permit. We know with absolute certainty that He will fulfil His promises; that He will not allow anything to occur at variance with them; that He will sustain His Church and enable her to triumph over all enemies and difficulties; that He will give to each of the faithful those graces which are needed for each one's service of Him and attainment of salvation, as He did during the great schism we have been considering, and in all the sufferings and trials which the Church has passed through from the beginning. We may also trust He will do a great deal more than what He has bound Himself to by His promises. We may look forward with a cheering probability to exemption for the future from some of the troubles and misfortunes that have befallen in the past. But we, or our successors in future generations of Christians, shall perhaps see stranger evils than have yet been experienced, even before the immediate approach of that great winding up of all things on earth that will precede the day of judgment. I am not setting up for a prophet, nor pretending to see unhappy wonders, of which I have no knowledge whatever. All I mean to convey is that contingencies regarding the Church, not excluded by the Divine promises, cannot be regarded as practically impossible, because they would be terrible and distressing in a very high degree.

It is time to come to the Decrees of Constance, which Mr. Gladstone so confidently pits against those of the Vatican. The Decrees are two, the first of which was

passed in the Fourth Session, the second in the Fifth. But they may be considered as forming one, though I shall speak of them as two. They are as follows: First Decree, passed in the Fourth Session: "This Holy Synod of Constance, making (constituting) a General Council for the extirpation of the present schism, and effecting the Union and Reformation of the Church of God, in (its) Head and members, to the praise of Almighty God, being legitimately assembled in the Holy Ghost, in order to attain more easily, more securely, more freely, and more abundantly the union and reformation of the Church of God, ordains, disposes, lays down, and decrees as follows:—

"And first, that the same Synod, legitimately assembled in the Holy Ghost, making a General Council representing the Catholic Church militant, has power immediately from Christ, which everyone, of whatever state and dignity he may be, even Papal, is obliged to obey in those things which belong to Faith and the extirpation of the said schism, and the general reformation of the Church of God in (its) Head and members."

Second Decree, passed in the Fifth Session: "It (the Synod) also declares that whatsoever person, of whatsoever condition, state, dignity, even Papal, shall contumaciously, with contempt, decline to obey (*obedire contumaciter contempserit*) the mandates or precepts (whether already made or to be made hereafter) of this Holy Synod, and of any other General Council legitimately assembled, concerning the premisses or other things thereunto belonging, is, unless he repents, to be subjected to penance, and duly punished, with recourse, if necessary, to other helps of the law."

Mr. Gladstone, speaking of these Decrees—or this Decree—in itself, and in contrast with the Vatican definition, says: "It therefore seems to follow by a demonstration perfectly rigorous—

"1. That Pope Martin V. confirmed (or adopted) a Decree, which declares the judgments and proceedings of the Pope, in matters of faith, without exception, to be reformable, and therefore fallible.

"2. That Pope Pius IX. confirmed (and proposed) a Decree, which declares certain judgments of the Pope, in matters of faith and morals, to be infallible; and these, with other judgments in faith, morals, and the discipline and government of the Church, to be irreformable.

"3. That the new oracle contradicts the old, and again the Roman Church has broken with history in contradicting itself.

"4. That no oracle, which contradicts itself, is an infallible oracle.

"5. That a so-called Œcumenical Council of the Roman Church, confirmed or non-confirmed by the Pope, has, upon its own showing, no valid claim to infallible authority."*

To this overwhelming argument I reply, 1st, that the Decrees of Constance do not express or imply what Mr. Gladstone understands them to mean, nor anything else at variance with the Vatican definition; and 2ndly, that those Decrees were not confirmed by Martin V. Now as to the first point of my answer. First of all, the Council describes itself as congregated and existing *for the extirpation of the present schism, and the union . . . of the Church of God.* This is the first object, marking as a distinctive character of that Council, that it was emphatically ordained to the extinction of the schism, and the union of the different sections into which the Church had been divided by the schism. The Council had likewise for its object *the reformation of the Church of God in its Head.* This was to be effected by giving to the Church an undoubted Head, and a fit one. John XXIII. was

* "Vaticanism," p. 61.

neither undoubted nor fit. He was unhappily not a man of distinguished virtue. This alone would not have been ground enough for deposing him, unless so far as it included the guilt of heresy. As a matter of fact he was accused of heresy, though in what this was supposed to consist was not clear; and the absence of sufficient proof of it appears to have been a reason with the Council for being anxious to obtain from John an acceptation of their sentence of deposition; and this they took care to secure before pronouncing the sentence.

There is question here of *personal external* heresy on the part of a true Pope, not of heretical teaching *ex cathedra*, which is impossible. The Canon Law, in the chapter *Si Papa*, contemplates the case hypothetically, and theologians commonly treat it as possible; many of them, however, of whom Bellarmine is one, holding that God would not permit it, though there is no promise. If the case occurred, the delinquent would have to be set aside. Bellarmine—rightly or wrongly—believes that Pope Liberius, though not in his mind a heretic, still in consequence of his external assent to a heretical proceeding, *did* actually fall from the Papal dignity, was succeeded by Felix II. (who had been previously an anti-pope), and, on the death of Felix, was again raised to the Pontifical throne, so that he was twice Pope.*

Assuredly the setting aside of a doubtful Head, especially with a prohibition to re-elect him (which prohibition the Council imposed), or the setting aside of a heretic, would be a reformation of the Church in its Head. Then, as to the reformation of the Church *in its members*, there is not much difficulty. The members were subject to the Council, and what was done in their regard could not be rightly resisted by the Head, nor validly resisted by a Head who

* *De Romano Pontifice*, lib. iv., cap. 0.

was under the control of the Council as doubtful. It is further said in the first Decree, that *the same Synod . . . has power immediately from Christ*, which was true of *that* Synod assembled for the termination of a schism between contending claimants to the Papacy, and also so far as there might be question of pronouncing a Pope to be a heretic. It is further again declared that *everyone, of whatever state and dignity he may be, even Papal, is obliged to obey* the Council. A person may be of Papal dignity in different ways; namely, either an undoubted Pope, or a doubtful Pope, or even one who is pretty well known not to be really Pope, but yet pretends to be such, and is acknowledged by many through perversity or mistake. At the time when the decree was passed there were two claimants less probably entitled to the dignity than not, and of these one less probably still than the other; but neither without some colour of right, and both, too, having many Catholic adherents; and there was one, namely, John, with a better title, whom the Council itself was disposed to regard as really Pope, yet not quite certainly so, and who was impeached of heresy. Such holders of Papal dignity might be obliged to obey the Council. It is to be sedulously noted that in this Decree the Council speaks of *itself* only, and with relation to existing circumstances. There is not a tittle of generalization. The Council says *it* is to be obeyed by all such parties as now exist, that is by the faithful generally, by individual bishops, &c., and even by those who *now* hold even the Papal dignity, as they now hold it.

And in what are they bound to obey? *In those things which belong to Faith and the extirpation of the said schism, and the general Reformation of the Church of God in (its) Head and members.* It is to be observed that the mention of *Faith* does not occur in the earlier

extant copies of this decree. But its mention causes no serious difficulty. There need be no question of final *definitions* of Faith by the Council, but only of *causes* regarding Faith—trials of persons even of Papal dignity, on charges appertaining to Faith—the enforcement of former definitions, &c. The other words concern disciplinary matters.

The whole, then, of the first Decree, comes to this: that this particular Council, under existing circumstances, is Divinely authorized to settle all that now requires to be settled, including very specially the termination of the schism and all steps needed for this object, and among the rest the setting aside of doubtful Popes, or of a Pope convicted of heresy; and that, with relation to this object, all, even of Papal dignity, are obliged to obey the Council, that is, all those persons who are at present in any way invested with Papal dignity are so bound.

The second Decree (passed in the fifth session) extends to any other Council the right to be obeyed by all. But here there is question of another Council *legitimately assembled* and, of course, legitimately sitting; there is question too of *mandates and precepts concerning the premisses or other things thereunto belonging.* Now this may be well understood of another Council called to put an end to *this schism*, or at most, a similar schism. The Council of Constance was the second General Council which had been convoked for the purpose of extinguishing *this particular schism*, and it was far from clear that one or more additional Councils might not still be required for the same purpose. John had, at this time, fled from the Council, called, as it was, and opened, by himself, and there might be reason to apprehend that he would try to put an end to it.

The words of the decrees admit of the explanation I

have given of them, and therefore they *may* at least be so taken. Add to this that the Council, circumstanced as it was, can hardly be presumed to have set about defining a doctrine which neither concerned the actual state of things nor belonged to any controversy with the heretics of the period, a doctrine, too, that had much appearance of novelty and was never dominant in the Church before or since. It was not unnatural, on the other hand, that the Council should lay down what regarded its own authority for the time being, and in as strong and comprehensive terms as could well be employed. The statement contained in the decree is, no doubt, emphatic and full and impressive in the variety and legal formality of its terms, and no wonder, if we consider its bearing with reference to the Council's action. I will say more later on of the precise character and nature of this statement; I do not mean as to its truth nor as to its sense—though the sense is thence illustrated —but as to its object in the mind of the Council, and its dogmatic position.

Now, turning for a moment to the Vatican definition; this definition treats of the Roman Pontiff in what may be called his normal state; that is to say, where he is the undoubtedly genuine Vicar of Christ, whether good or bad as to his conduct, provided he be not personally an external heretic. The sense of the Vatican definition regarding the Pope's Infallibility and his superiority over the Church and its other pastors, distributively and collectively, and over Councils, is unmistakable. The Decrees of Constance *ought*, or at the very least *can*, be understood of doubtful Popes. The Vatican definition, as a matter of course, regards certain and not doubtful Popes, and must be understood of the infallibility of such Popes and *their* superiority over Councils, &c. In all this there is no mutually destructive opposition between decrees and decrees.

CHAPTER XXIV.

The Council of Constance (*continued*).

Were the Decrees we have been considering confirmed by Martin V.? As a help towards solving this question, I will propose and answer another, which is, besides, worthy of attention for its own sake. What was the original character of the Decrees themselves? to what class or category did they belong? Were they dogmatic definitions?

Reverting to the circumstances of the time, we must remember that the then actual state of things in the Church was anomalous and without example in preceding centuries. The position of the Council and the work it had to do were likewise out of the common course. No General Council before that of Pisa was ever called on to determine who was—or was to be—Head of the Church. No previous legitimate Council had assembled and deliberated, as *it* did, not only without the approbation, but against the will, of the Roman Pontiff. Other Councils had been presided over by the Pope, either personally or through his legates. This Council took, within certain limits, the place of the Pope as well as its own. It undertook to exclude from all ecclesiastical power the two claimants to the Papacy, one of whom—whichever it may have been—was till then *the rightful* claimant. Having displaced both, it substituted another, with the hope that he would be universally recognised. But in this hope it was disappointed: there came to be three claimants instead of only two. The Council of Constance had to accomplish the task which that of Pisa failed to accomplish. This latter Council had,

I will assume, validly dethroned Gregory XII. and Benedict XIII., and validly seated Alexander V. in the Chair of St. Peter. But it had not silenced the deposed parties nor their adherents, whose number continued considerable. The Council of Constance, which was in some sort a continuation of that of Pisa, and, at any rate, heir to its incomplete work, had reason to fear a similar failure for itself, and might look forward to the danger of setting up a fourth rival, as Pisa had set up a third.

Under this pressure the Fathers, or many among them, considered it expedient to proclaim their rights and powers, to themselves or to each other for their own encouragement, to the fugitive Pontiff, who was increasing their difficulties, and to the rest of the Church. This they did in the Decrees we are discussing, and which were an assertion of the Council's position and prerogatives, and of those of other possible future Councils. But, we may ask, did they intend to *define* the doctrine involved in this assertion, whatever was the extent of its meaning; whether that meaning was confined to present and other similar circumstances or not; whether, again, it regarded certain or only doubtful Popes? It is quite plain that the chief object and end of these Decrees was to strengthen the hands of the Council, and not to settle a doctrine for its own sake, and for the sake of the integrity of the Faith, as this very Council did later with regard to other matters. Besides, whatever weight the Fathers wished these Decrees to have, they wished them to have it there and then, and not dependently on a future confirmation of an undoubted Pope, when all the troubles that made the Decrees so peculiarly important at the time should have passed away. The Fathers knew that the supreme, independent right to define could be as readily questioned as the right to command, and even more readily, because there might be, and

there was, an urgent necessity of commanding, but not of defining. For commanding there was a necessity such as would justify the inference that God had given the right, since He could not be wanting to His Church in what was strictly needful. I do not mean that they imagined, or that we are to imagine, any fresh communication of power made at that time, but that God must have so constituted the Church from the beginning that it would be able to meet any emergency which He would allow to arise; and an emergency had arisen, which demanded an unusual kind of action on the part of a Council. This was understood by those who convoked the Council of Pisa and by that Council itself; this was understood, too, quite clearly by the Fathers of Constance. The Council of Pisa had acted on the doctrine; the Council of Constance was about to act on it, but conceived there was occasion for stating it, for laying it down.

We may observe here, by the way, that the Council of Constance laboured under a difficulty superadded to those whereby that of Pisa was embarrassed, inasmuch as there was now actually a person with clearer claims to the Pontifical throne than either Gregory or Benedict, and who had alone called the Council as it then stood, and the Council was beginning to be in collision with him.

I said the Council conceived there was occasion for stating the doctrine concerning its own power. It *may* have *overstated* this doctrine, but it cannot be blamed for simply *stating* it. I may be asked, if this was not a definition, *what was it?* I say, if it was not a definition, it was a *declaration*, such as assemblies, and committees, and courts make as to their own completeness and authority and jurisdiction. Such declarations neither *give* power nor heal *substantial* defects—though they may heal minor formal defects—nor oust a higher jurisdiction. They

express a prudential judgment; they raise a respectable presumption, which, however, may be afterwards overruled; they allege a ground for proceeding to action; they afford a confidence proportioned to the dignity and intelligence of those who make the declaration. It stands to reason that no number of persons can by their own word make themselves more than they are already. If a tribunal be acknowledged as simply supreme without any superior on earth, its own claim to do certain acts must be recognised as involving a sort of practical infallibility; and if it be acknowledged as actually infallible in doctrine, its *doctrinal teaching* as to its own sphere both of doctrine and action must be accepted. Nay more, its solemn *exercise* of authority to teach on a particular subject would irrefragably imply that the subject was within its competence. But a Council without the Pope never had been universally acknowledged as simply supreme, nor as infallible. I have said that the Decrees, if not a definition, were a declaration in the sense explained.

But were they a definition or not? I say they were not. The first of the two Decrees—that of the fourth session—regarded *that Council alone.* There is not in *it,* as I before observed, a tittle of generalization. Now, it would be a strange and unusual kind of proceeding to define as a matter of Faith the supreme authority of *an individual Council,* and more strange still to define this by itself, without previously defining the general proposition that Ecumenical Councils, considered distinctly from the Pope, are invested with supreme authority, the general proposition not being already a received Doctrine of Faith. This definition, too, would include the Ecumenicity of the Council *at that time,* an obscure question of fact, concerning which the Council would hardly have undertaken to teach dogmatically. Even in the Decree of the fifth

session, though other possible Councils are spoken of, the Council of Constance is put in the first place, as the primary object of the statement.

Then, there is no phrase or form of speaking employed in either Decree that would indicate an intention to define any doctrine. The Council says that it ordains (ordinat), disposes (disponit), lays down (statuit), decrees (decernit), and declares (declarat) the things that follow.* There is not a word about *teaching* as an undoubted truth, or teaching at all; there is not a word about condemning, as heretics, or otherwise unsound, those who may think otherwise; there is not a word to show that the Council exacts the admission of any *doctrine*. What it does exact is *obedience* to its own future orders, and those of other Councils which may follow, with threats of punishment to be inflicted on those who may prove refractory. The drift then and the meaning of the Decrees is that the Council wishes its own authority, and, on similar grounds, that of any other Councils that may follow, to be recognised, and its and their orders to be complied with. The authority which it asserts and desires to have accepted is put forward as the foundation of that obedience it proposes to enforce. But *obedience* alone to its orders, not *belief* in its right, is the obligation imposed.

I do not mean to deny that there were men in the Council who entertained exaggerated notions concerning the authority of a General Council, and who would have been disposed to attribute to it superiority over even an undoubted Pope. The circumstances of the time favoured such notions and such a disposition. In the first place, a

* In some MS. copies of the Decree in the fourth session, and in Labbe's text of that in the fifth, the word *defines* (definit) occurs after *ordains* (ordinat). But this makes no matter, as the same word is used in the disciplinary dispositions which follow. This appears from a sentence quoted further on towards the end of page 301.

larger share of responsibility had been thrown on the Councils of Pisa and Constance than on any previous Council, as disjoined from the Pope, in providing for the needs of the Church. A new occasion had arisen at that period for the interference of a Council. It seemed, under some respects, desirable that a Council should possess unshackled jurisdiction. Men's minds were turned towards the inquiry as to how far a Council could go, and at the same time towards making the best case that could be made for a Council; and it is not to be wondered at if there were those who would strain a point to exalt the position of Ecumenical Councils generally. Once certain persons begin to theorise in a particular direction, they easily originate new and incorrect views, of which they become enamoured, and they seem to themselves to find good reasons for sustaining those views, and often succeed in rendering them plausible to others. In the present case, though it cannot be shown that the Decrees mean more than is consistent with what we hold in conformity with the Vatican definition, yet they may have been coloured by those leanings to which I have alluded. But, whatever was their meaning, they were not a definition, as I have already gone some way towards proving, and will now prove more fully still.

What I have called *the Decrees* of the fourth and fifth sessions are followed in each by certain resolutions and enactments, forming part of the same context, and the same whole, with the Decrees. In other words, each of the so-called Decrees is only a portion—the first portion—of one document proposed to the Council and passed by the Council, the remainder consisting of disciplinary determinations or dispositions. In the fourth session the whole of this document is thus prefaced and described in the Acts: "The Lord Cardinal of Florence read some constitutions

to be observed by the Council, the tenors of which (constitutions) are inserted below."* Then, just before the text of the document, immediately preceding *the Decree*, as we have called it (which is the opening portion of the document), we read:—"The tenor of the said constitutions of which mention is made above, follows, and is to this effect (talis)." In the fifth session the corresponding document is headed and described as: "Certain chapters (capitula) in the nature of synodal constitutions."† It is quite clear that this document, read and passed in the fifth session, is of the same *nature* and *character* as that of the fourth, and, therefore, could be described, like that of the fourth, as "*Constitutions to be observed by the Council.*" I infer from all this that *the enacting element*, if I may so call it, was the principal object, and the principal thing established by the Council, in passing these documents or constitutions. The statement which we have been calling *a Decree* was a preliminary declaration commencing each of them, commending the Council and its disciplinary disposition. In the introduction and the headings no special distinctive place or force is assigned to this declaration. It goes in with the rules and regulations made by the Council. In both sessions the declaration, which we have called *a Decree*, is *immediately* and in the same context followed by preceptive disciplinary rules connected with what precedes by the adverb *also* (Item.) In the fourth: "Also that our Most Holy Lord Pope John XXIII. is not to change or to transfer the public offices," &c. In the fifth: "Also the said Holy Synod defines and ordains that the Lord John Pope XXIII. is not to change," &c. (the very same prohibition).‡ As I have before observed, the declaration itself contains no terms to

* Labbe and Cossart (Venice 1731) Tom. 16, p. 66. † Ibid, p. 73.
‡ Ibid. p. 77.

indicate a dogmatic definition. No one is called on to *believe* anything. *Obedience* is the one thing aimed at; obedience, indeed, founded on right to command, which right is affirmed but not proposed for substantive intellectual assent, much less for an assent of Faith.

No doubt, *in the enacting part* in each of the sessions, there is an attempt *to exercise control* over the Pontiff in disciplinary matters. Whether this attempt was legitimate or not is beside my purpose; because I am considering not *the action* of the Council, but what is pretended to be its *teaching*. What I contend is, that the Council did not profess to teach dogmatically at all. The legitimacy of *the action* may be sustained on the ground that the Pontiff was not undoubtedly possessed of the dignity which he claimed, and, even independently of this, that he was *acting* perversely and could be *resisted;* for there was no question of any teaching on his part, nor of any universal law imposed by him on the Church. But it matters not whether the Council exceeded its own proper bounds or kept within them. Certainly Martin V. never said that the Council had committed no mistakes *of action.*

Further, we have in the acts of the fifth session an express distinction drawn between the matter of these Synodal constitutions and the matter of Faith. Immediately after the constitutions (including what I have called the second Decree), we read:—"Which having been thus gone through (peractis), the above-mentioned Reverend Father and Lord, Andrew, Bishop elect of Posen, read some suggestions (avisamenta) in the matter of Faith and on the matter of John Huss." Then comes a heading or title: "Tenor of the suggestions (avisamentorum), in the matter of Faith."*

There is here an express transition from the "constitu-

* Labbe and Coss. p. 67 and p. 73.

tions" to the "matter of Faith." The constitutions, therefore, were not considered to enter into the matter of Faith. So much for the nature and character of the Decrees in the mind and intention of the Council. Now, as to the confirmation by Martin V., confessedly his general confirmation of the Decrees* of the Council was confined to matters of Faith.

What are we to say to this argument of Mr. Gladstone? : "Vaticanism has effectually settled this question" (of this matter belonging to Faith) "against itself. For it has declared that the Papal Infallibility is a dogma of Faith (*divinitus revelatum dogma* 'Const.' ch. IV.) But, if by this definition the Infallibility of the Pope in definitions of Faith belongs to the province of *materiæ fidei*, and of *ea quæ pertinent ad fidem*, the negative of the proposition thus affirmed, being in the same subject matter, belongs to the same province. It, therefore, seems to follow, by a demonstration perfectly rigorous," &c.; and here follow the inferences already quoted.† I reply, first, that the Council of Constance has said nothing directly against the Infallibility of the Pope, nor has it said anything clearly against the superiority of an *undoubted* Pope over a General Council. I reply, secondly—and this is the point I have in hand at the present moment—that, even if the Council of Constance did deny constructively the Infallibility of the Pope, and constructively, or formally, the superiority of an undoubted Pope to a General Council, this denial did not belong to the *materiæ fidei* in the sense

* "Which things having been done, our Most Holy Lord the Pope said, answering to the words related, that he wished to hold and inviolably observe, and never in any way to contravene, all and singular the things determined, concluded, and decreed *in matters of Faith* by the present Council in a conciliar manner (conciliariter). And he approves and ratifies the things thus done in a conciliar manner, and not otherwise, nor in any other way."—Council of Constance, Sess. 45. Labbe and Coss. Tom. xvi. p. 748.

† *Ante*, p. 290, and "Vaticanism," p. 61.

in which Martin V. spoke in his confirmation of the Council. "How so?—Mr. Gladstone exclaims. Surely, if the affirmation of the Pope's Infallibility and superiority belongs to matter of Faith, the denial of these prerogatives must equally belong to matter of Faith. For the character of the matter, the category to which it belongs, does not consist in, nor depend on, affirmation precisely or denial precisely. The *thing* is of the same class when denied as when affirmed." This is no doubt specious, but it is not to the point. By *matter of Faith* we are here to understand what was *treated by the Council* as matter of Faith, what was *dogmatically taught* by the Council. I most fully admit that, if the Council dogmatically taught the fallibility or inferiority of an undoubted Pope, this teaching would be in matter of Faith, and would be proved to be so by the Vatican classification of the Pope's Infallibility and superiority. But a mere *statement* or *declaration* in *a disciplinary constitution* is not dogmatic teaching.

Moreover, the technical meaning of *matter of Faith* in that Council seems to have been what had relation to the errors of Wickliffe, Huss, and others whose doctrines were examined and censured at Constance. The business of the Council was mainly threefold: namely, the extinction of the schism, the reformation of abuses in the Church, and the maintenance of sound doctrine, by the elimination of heretical and otherwise unsound tenets broached by various evil teachers. This last head of the Council's work appears to have been emphatically designated *matter of Faith*, and it is in this sense the phrase must be understood in the confirmation of the Council by Martin V. Principles of Faith naturally entered into the transaction of the other business which engaged the attention of the Fathers, but were not comprised under the distinctive appellation of *matters of Faith.*

The Pope likewise restricted his confirmation to those things which were done *conciliarly*—to use a rather strange English or un-English word—(conciliariter acta) that is to say, after the proper manner of proceeding of a Council. Now, in the fourth and fifth and some following sessions, the Council was carried on according to an unusual system of division into *nations;* and, besides, the Decrees regarding the Council's power were not maturely discussed as dogmatic decisions would need to be. It is quite true, as I have stated elsewhere, with reference to the Pope,* that when an Infallible authority solemnly teaches a doctrine, exception cannot be taken to its teaching on the ground of insufficient deliberation. But a General Council disjoined from the Pope is not an Infallible authority, as I have long since explained and proved, even irrespectively of the Personal Infallibility of the Pontiff. Hence, conciliar dogmatic Decrees not yet sanctioned by the Pope are in an inchoate condition, and the mode of their adoption may be examined by the Pope, and he may properly restrict his approbation to those which have been duly treated of in the Council, and if he use this restriction we are at liberty to inquire how far it extends. I do not, however, care much about the word *conciliariter*, as I can maintain my point independently of it.

I undertook to show first, that the Decrees of Constance, of which Mr. Gladstone makes so much, do not express or imply what he understands them to mean, nór anything else at variance with the Vatican definition; and, secondly, that those Decrees were not confirmed by Martin V.† I have, I think, succeeded in establishing both these points. As to the first, *at the very least* I have proved that the Decrees *need not necessarily* be understood in a sense opposed to the dogmatic decision of the later Council.

* *Ante*, p. 52. † *Ante*, p. 290.

This much is enough; for the *onus probandi* lies on the side of those who affirm the opposition. It is their business to show that the Decrees of Constance *must* mean what they —our opponents—say. As to the second, I venture to assert that the proof is thoroughly conclusive.

After all we have seen concerning the Council of Constance, it will be easy to understand how much or how little force there is in a triumphant passage of Mr. Gladstone's "Vaticanism."* Pope Martin V. derived his whole power to confirm from his election to the Papal chair by the Council. And the Council was competent to elect because the See was vacant. And the See was vacant because of the depositions of two rival Popes, and the resignation of the third; for, if the See was truly vacant before, there had been no Pope since the schism in 1378, which is not supposed by either side. But the power of the Council to vacate the See was in virtue of the principle asserted by the Decree of the fifth session. We arrive, then, at the following dilemma. Either that Decree had full validity by the confirmation of the Pope, or Martin V. was not a Pope; the Cardinals made or confirmed by him were not Cardinals, and could not elect validly his successor, Eugenius IV.; so that the Papal succession has failed since an early date in the fifteenth century, or more than four hundred and fifty years ago.

"Therefore the Decree of the fifth session must, upon Roman principles, have been included in the *materiæ fidei* determined by the Council, and, accordingly, in the confirmation by Martin V."

By way of reply to the argument contained in this passage, I make the following observations. (1) The See was vacant by the removal of whoever was the *true* Pope, whichever was the man. The *certainty* of the vacancy

* Pages 59, 60.

depended on the operation of causes sufficient to remove each of the three in case he happened to be the true Pope. One, as Mr. Gladstone says, *resigned;* that was Gregory. Two were deposed. Of these, John, who was most likely true Pope up to that time, *accepted his own deposition*, and thus *equivalently resigned;* though, even if he had not, he could have been set aside as doubtful. The other, Benedict, was, at the best, a doubtful Pope, and consequently could be deposed by the highest authority that existed in the Church under the circumstances, since there *must be* a way of getting rid of a doubtful Pope. Whatever power the Council had of deposing a Pope did not depend on any definition or declaration, nor does Mr. Gladstone say it did, but, as he does say, *on a principle*, and so far he is right. But when he says this was the principle involved in the Decree of the fifth session, he unintentionally confuses the matter. For the Decree might involve something more than the principle on which the power of the Council rested. Thus, the principle might regard a doubtful Pope, or a case of schism, and the Decree *might* include a certain Pope outside of a case of schism, and then the principle would be right and the Decree wrong. (2) The principle on which the Council's action depended, so far as this affected the validity of Martin's election, did not need *his* recognition, nor could such recognition give it certainty, were it previously doubtful; for, if *it* was not sound, *he* was not Pope. If he had *denied* the principle, he would have compromised his own position. But omitting to affirm is not denying; and yet Mr. Gladstone seems to imply that it is, or, at any rate, if it is not, his argument falls to the ground. (3) Whatever power the Council had of deposing a Pope did not and could not come from a Pope, nor depend on his confirmation or recognition. It was a singular, abnormal power which accrued to that Council in

special circumstances, and would accrue to another Council in similar circumstances. It may be said, no doubt, that a definition of the Pope and Council dogmatically affirming such a power would give the doctrine a new *status* for the future. But the Council of Constance, as we have seen, did not frame such a definition. It proposed nothing *to be believed* on the subject. As to Pope Martin's right to his position, his universal acceptance by the Catholic Church settled that; and the universality of this acceptance was not appreciably affected by the obstinate persistence of Peter de Luna with a handful of adherents.

CHAPTER XXV.

Marriage Laws as Affecting Protestants.

I HAVE already spoken of marriage on the ground of its being an object of ecclesiastical authority and legislation, and holding an important place in the relations of the Church to society.* I said all that I then considered needful on this subject. My purpose was to point out clearly the nature of the contract and of the sacrament, and to remove some misapprehensions that are common enough, even among Catholics. I explained the position of the Church with reference to matrimony, and her power of prescribing conditions, on which not only its lawfulness but its validity may depend. I did not undertake to vindicate the conduct of the Church. I saw no particular occasion for doing so, and my plan at the time continued to be mainly confined to statement of doctrine. This plan I have somewhat varied since, on account of Mr. Gladstone's attack on the Catholic Religion. That attack has by this time lost a good deal of the perhaps rather undue importance which was attached to it when first made. Mr. Gladstone is, no doubt, a man of great ability, a distinguished statesman—a man, too, that did stand well with Catholics, and was, and even still is, less unfair and less rabid than many other opponents of our Faith—not, however, now entitled to the same credit as he was, or seemed to be, under these last mentioned respects. Yet, as the Gladstone controversy made some noise so lately, as some of the points taken up in it are of a certain permanent interest,

Ante, p. 78.

which was rather increased by Mr. Gladstone's pamphlets, and as answers to objections made by an individual living opponent have, in consequence, more of a look of definiteness, and, so to speak, of reality about them, I will, on the subject of marriage, as I have done on different others, take up and reply to Mr. Gladstone's difficulty. Having already, as I have just now remarked, written something about marriage, I must, to avoid repetition, refer my readers to the earlier chapter, and request them to read it and bear in mind what is there said.

Coming now to Mr. Gladstone. In his "Vaticanism," at p. 26, he says:—"I have before me the Exposition, with the text of the Encyclical and Syllabus, published at Cologne in 1874, with the approval of authority. . . . . In p. 45 it is distinctly taught that with marriage the State has nothing to do; that it may safely rely upon the Church; that civil marriage, in the eyes of the Church, is only concubinage; and that the State, by the use of worldly compulsion, prevents the two concubinary parties from repenting and abandoning their guilty relation to one another. Exactly the same is the doctrine of the Pope himself, in his speeches published at Rome; where civil marriage is declared to be, for Christians, nothing more than a mere concubinage, and a filthy concubinage (*sozzo concubinato*). These extraordinary declarations are not due to the fondness of the Pontiff for speaking *impromptu*. In his letter of September 19th, 1852, to King Victor Emmanuel, he declares that matrimony carrying the sacrament is alone lawful for Christians; and that a law of civil marriage, which goes to divide them for practical purposes, constitutes a concubinage in the guise of legitimate marriage. So that, in truth, in all countries within the scope of these denunciations, the parties to a civil marriage are declared to be living in an illicit connection,

which they are called upon to renounce. This call is addressed to them separately as well as jointly, the wife being summoned to leave her husband, and the husband to abandon his wife; and after this pretended repentance from a state of sin, unless the law of the land and fear of consequences prevail, a new connection, under the name of marriage, may be formed with the sanction of the Church of Rome.

"It is not possible, in the limited space here at my command, adequately to exhibit a state of facts, thus created by the highest authorities of the Roman Church, which I shall now not shrink from calling horrible and revolting in itself, and dangerous to the morals of society, structure of the family, and the peace of life.

"It is true, indeed, that the two hundred thousand non-Roman marriages, which are annually celebrated in England, do not at present fall under the foul epithets of Rome. But why? Not because we marry, as I believe nineteen-twentieths of us marry, under the sanctions of religion—for our marriages are, in the eye of the Pope, purely civil marriages—but only for the technical, accidental, and precarious reason, that the disciplinary decrees of Trent are not canonically in force in this country. There is nothing, unless it be motives of mere policy, to prevent the Pope from giving them force here when he pleases. If, and when that is done, every marriage thereafter concluded in the English Church will, according to his own words, be a filthy concubinage.

"The decrees have force already in many parts of Germany, and in many entire countries of Europe. Within these limits, every civil marriage, and every religious marriage not contracted before a Roman *parochus*, as the Council of Trent requires, is but the formation of a guilty connection, which each of the parties severally is charged

by the Church of Rome to dissolve, under pain of being held to be in mortal sin.

"In 1602, when the Decree of Trent had been in force for thirty-eight years, it was applied by the *Congregatio Concilii*, with the approval of Pope Clement VIII., to non-Roman marriages, by a declaration that heretics were bound to conform (which was impossible) to the rules of the Council, in default of which, their marriages, whether religious or civil, were null and void.

"To this portentous rule exceptions have been made, especially by Benedict XIV. in the case of Holland. Indeed, he questioned its propriety; and Pius VII., in a communication to the Primate Dalberg, formerly Archbishop of Mentz, referred with approval to the language of Benedict XIV. Many theologians have held an opinion adverse to it, and clergy have been allowed to act at times upon that opinion, but only under cover of a policy of dissimulation, a name by which the Court of Rome itself has not been ashamed to describe its own conduct. But when the abrogation of the rule for non-Roman marriages has been prayed for, even by bishops, and bodies of bishops, the prayer has failed. It has been kept alive, and transactions positively dreadful have taken place under its authority, and under other provisions calculated for the same end. Perrone, who may be called the favourite theologian of the *Curia*, points out that it works for the benefit of heretics, as on their conversion it has often given them an opportunity of contracting a new marriage, during the lifetime, that is to say, of the former wife.

"The upshot, then, seems to be this: that Rome, while stigmatising marriages not Tridentine as concubinages in the manner we have seen, reserves a power, under the name or plea of special circumstances, to acknowledge them or not, as policy may recommend. This is but the

old story. All problems which menace the Roman chair with difficulties it dare not face are to be solved, not by the laying down of principles, good or bad, strict or lax, in an intelligible manner, but by reserving all cases as matters of discretion to the breast of the *Curia*, which will decide from time to time, according to its pleasure, whether there has been a sacrament or not, and whether we are married folks, or persons living in guilty commerce, and rearing our children under a false pretext of legitimacy.

"This, then, is the statement I now make. It has been drawn from me by the exuberant zeal and precipitate accusations of the school of Loyola."

So far Mr. Gladstone, from whom I have given a rather long extract, that his view regarding the point at issue may be fairly before my readers. They will understand that some vague statements which occur, as, for instance, about "transactions positively dreadful," and also his general description of the proceedings of the Court of Rome, are to be taken with certain allowances for excited feelings and too ready a belief of the exaggerated accounts and misrepresentations he may have met with in others.

By way of reply, I will endeavour to exhibit the real state of the case.

First of all, the Council of Trent, in enacting the law which prescribes the presence of a parish priest and two witnesses as a necessary condition of valid marriage, did not intend to increase the connection between the contract and the sacrament, which connection could not, indeed, be increased by any human power, even that of the Church. It did not intend to increase the necessity of any sacred rite; as a silent presence fulfils the condition. The object of the Council was to guard against the evil consequences of marriages not sufficiently attested. There was no desire thereby to throw difficulties in the way of

non-Catholic parties, either among themselves, or in case of their contracting with Catholics. It is true that the Church, as a rule, abhors and discourages mixed marriages; but this particular requirement was not established with any such view. It was directly meant to provide against abuses among Catholics. Nay more, one motive at least, for making the obligation of this law dependent on a promulgation in each parish—a very unusual provision—was to exempt Protestants in great measure from its operation, as is explicitly stated and held by Benedict XIV., on the authority of Pallavicini, in his History of the Council of Trent.

It is well to explain here that, though the authority of the Church to prescribe conditions and institute impediments of marriage is connected with the sacramental character wherewith this contract is invested in the New Law; yet the doctrine of the authority alluded to is not identical with the doctrine that matrimony is a sacrament, nor is either doctrine strictly dependent on the other. Christ our Lord could have made matrimony a sacrament without giving the Church all the power he did regarding it. Such power is, no doubt, congruous, fitting, and might be conjectured about as a likely accompaniment of the sacramental institution, but it is not *a necessary consequence*, so far as I can see. On the other hand, still more obviously, the power could have been given without the elevation of the contract to the dignity of a sacrament. As a matter of fact, it is a dogma of faith that matrimony is a sacrament, and it is a dogma of faith that the Church has the power we are speaking of with reference to the contract; and it is not a dogma of faith, though it is otherwise sufficiently certain, that the contract and the sacrament are inseparable. Long after the Council of Trent, there were theologians who held with impunity that the contract might be entered

into validly and indissolubly by Christians and Catholics without their receiving the sacrament. But these theologians held, at the same time, that the validity of the *contract* depended on its conformity with the laws of the Church; and that where an ecclesiastical diriment impediment stood in the way, the parties did not become man and wife, whence their subsequent life together would be one of concubinage. Suppose a theologian of fifty years ago holding, as many held, that the priest was the minister of the sacrament, and that his active ministration was required to effect it—suppose, I say, such a theologian asked to state the different classes of cases that might occur, in the marriage of two Catholics, with reference to the priest's intervention, and the results which would respectively follow, he would have said: Where the decree of Trent is not published, the matrimonial contract, without the presence of the parish priest, or any other witness, is valid as a true marriage, but not a sacrament; with a priest's *ministration*, whether he be the parish priest of either party, or not, and with or without other witnesses, it is a sacrament also. Where the Council's decree is published, if the parish priest of either party, or an authorised substitute, and two other witnesses are silently present, a non-sacramental, but valid contract is effected; but if the priest perform the marriage rite, the sacrament is received. On the other hand, if the parish priest of neither party is present, nor his substitute, or if there be not also two other witnesses, the marriage is null and void, and the cohabitation of the parties will be a concubinage. My object in this detailed exposition is to show that no recent declaration as to the identity of the contract with the sacrament has any practical bearing on the validity of the contract, since ecclesiastical impediments were all along understood to affect *the contract*, identical or not with the sacrament.

I may be asked why it is that, in the Syllabus and elsewhere, so much stress is laid on the inseparability of the contract from the sacrament, and precisely in connection with the absolute nullity of marriages celebrated otherwise than in conformity with the Tridentine decree. It would seem from this circumstance that the validity of a marriage must stand or fall with the separability of the contract from the sacrament. The answer is easy, and may be gathered from the propositions set down in the Syllabus. The reason then is, that the supposed separability was made a ground for withdrawing the contract from the operation of the law of Trent. This ground was relied on, not by otherwise orthodox theologians, but by innovators. As therefore, in reality, the contract and sacrament are not separable among Christians, a short way of dealing with these false teachers was to say so: but their pernicious conclusions were no necessary consequence of the imagined separability, and had not been held by those sound Catholic authors who mistakenly believed that the contract might exist among Christians without the sacrament. Those marriages which from any cause do not fall under the Tridentine law may be not only valid but sacramental, without the presence of any priest, as I have clearly explained in that previous paper to which I have referred.

Now, as to the statement which has so much offended Mr. Gladstone, that the quasi-matrimonial life of those who have not received the *sacrament* of marriage is a life of concubinage, let us consider the force and meaning of that statement with relation to the fulfilment of the condition prescribed by the Council of Trent, the presence, namely, of the parish priest of one of the parties and two other witnesses. Wherever the Tridentine law is in vigour, a Catholic man and woman attempting marriage without the fulfilment of that condition *know*—as a rule—that their

act is null—that it leaves them unmarried, as they were before. If in any case they chance to be inculpably ignorant of the invalidity, they are not accountable, and what is to be thought of this state of things I will say a little further on. So much for Catholics. What is to be said of Protestants? In many places where Catholics fall under the operation of the Tridentine law, Protestants *certainly* do not. With regard to some other places, none of them in these kingdoms, there are differences of opinion into which I do not feel myself called upon to enter. But suppose that in those places Protestant marriages are affected by the law of Trent, on that principle to which Mr. Gladstone alludes in his "Vaticanism," at p. 71, note: "See," he says, "the anathemas of the Council of Trent against those who deny that heretics, as being baptized persons, are bound to obedience to the Church. I hope the Archbishop (Manning) has not incautiously incurred them." I have written something on this subject in an early part of the present volume.* Suppose, then, I was saying, that in some places Protestant marriages are affected by the Tridentine decree on clandestinity, what will be the result? First, the parties are deprived of *the sacrament* of marriage, of which privation they cannot be expected to complain, as they reject this sacrament, and do not believe it to be received by Catholics. Then, *the contract* is invalid *in itself*, but not in their estimation, not according to *their conscience*. Their condition is practically the same as if it was valid. The contract of marriage, abstracting from the sacrament, is a mutual agreement, by which the parties, as far as in them lies, bind themselves to each other. Where it *is* valid it causes a certain indissoluble relation between them; where it is *not* valid, but is in good faith *reputed* valid, so long as the belief continues

* *Ante* p. 75.

the parties are as much warranted and bound before God to do what they agree upon as if there was no flaw. Their life is not a concubinage, nor was it of such cases the Pope spoke when he used the word. If at a later period the parties, or either of them, come to know of the nullity, in consequence of being converted to the Catholic Faith, the Church will readily afford a means of meeting the difficulty. In some very exceptional and very rare cases there may be a separation. But such rare and exceptional cases are not appreciable. As a fact, we do not hear of unpleasant results, at least with any frequency, on this particular ground. There may be dissatisfaction, or anger, or ill-treatment, on the score of change of religion, but scarcely ever is there any difficulty with reference precisely to the marriage bond. I will here cite a passage of the previous paper already referred to, where I have expressed myself as follows: "I do not pretend that every act done by a Protestant, in contravention of laws which he knows to be enforced in the Catholic Church, is an imputable sin. Even though he be not in what is called invincible ignorance, even though he be guilty of grievous neglect in not inquiring into the truth of his own religion—which, by the way, we are to remember is, unlike ours, a religion of inquiry—even though he be violating the obligation to examine the claims of the Catholic Faith, as is often the case, still it does not follow that he is called on in the meantime to observe the precepts of the true Church, not recognised by him as such, for instance, to keep its prescribed feasts and fasts."* In this passage I specify, by way of example, precepts as to feasts and fasts; but the principle is applicable to any ecclesiastical law of the Catholic Church.

But why, Mr. Gladstone may ask, should there be any

* *Ante*, p. 75.

question of Protestant marriages with reference to the Tridentine decree? Why should they be comprehended? I reply that, *so far as they are comprehended*, this results from the general principle alluded to. The law was enacted, and, as is usual in laws of the Catholic Church, no exception of non-Catholics was expressed, and so the law included them—so far, I repeat, as they are included. An unusual provision was made in the law itself for restricting its operation, and that operation has been still further restricted since. It must be remembered that the Church *legally* and *judicially* views baptized non-Catholics as disobedient subjects not deserving of special favour, whatever may happen to be the actual extenuating or excusing causes which affect individuals. It must be remembered, too, that Ecclesiastical Law, like all other human laws, proceeds on certain general principles, with considerable regard, no doubt, to varieties of circumstances in different times and places, but not such regard as to remove all difficulties, or even what may be termed hardships. The Church, moreover, is conservative, and somewhat slow to modify her enactments. The decisions and answers of ecclesiastical tribunals include and rest on interpretations of the law and apply it to the cases proposed, without changing the law, though, within certain limits, there may be at times an exercise of a discretionary power, either permanently possessed by the tribunal or supplied by the action of the Sovereign Pontiff. There is, too, that, at least, apparent contradiction which occurs in the determinations of civil courts in our own and other countries, often attributable to a comparatively minute difference of features in the cases, a difference which cannot always be afterwards clearly traced. We know what an array of conflicting judgments and dicta is often brought forward by counsel engaged on the two sides of a cause, and what

ingenuity is bestowed on explaining and reconciling them. I have spoken of decisions and *answers*, because there are ecclesiastical tribunals which reply to questions where there is no judicial sentence pronounced between parties, and where there is not properly any *suit* before the court, nay, where what I call *a tribunal*, for want of another term, may not have properly judicial attributes. Then, besides decisions, juridicial or otherwise, there are *dispensations* from ecclesiastical laws: these are granted either by the Pope, in virtue of his supreme authority, or by his delegates at Rome or elsewhere, or by bishops in virtue of the authority annexed to their office. The Pope, too, may abrogate or vary particular ecclesiastical laws, either throughout the Church or in one or more countries. To return to decisions and answers regarding ecclesiastical law; though there is a machinery provided for giving them, it is by no means to be supposed that they either are or could be so copiously given as to eliminate controversies as to the meaning and comprehensiveness of ecclesiastical laws. The laws once made are left a good deal to themselves and to unauthorized interpreters—that is to say, writers or others who may be often well qualified to deal with the questions arising, but not commissioned to pronounce on them. Often certainty cannot be attained, but a reasonable probability sufficient for moral direction may be reached. It is a pretty generally received principle that a really doubtful law does not bind in conscience. This principle extends to a solid doubt whether certain cases are comprised in a law otherwise known to exist. The law is doubtful as regards those cases. I have used the terms *really* doubtful and *solid* doubts, because frivolous, unsubstantial, factitious doubts do not stand in the way of obligations. The application, too, of the principle I have mentioned requires reflection and a proper acquaintance with the

subject. Now, as to the *policy* which the Pope and his Curia are said to practise with regard to marriage, or with regard to other matters of ecclesiastical law, I cannot undertake to enter thoroughly into an involved question of this kind, nor to vindicate in detail the proceedings of the Holy See. Mr. Gladstone's charges are sweepingly made in a few sentences. A complete explanation and refutation of them would take at least many pages, and these I cannot afford to give. I will content myself with a few observations.

What is meant by *the policy* of the Pope or the Holy See, and measures dictated by this policy, or adopted for the purpose of carrying it out? Here I must clear away and put aside some matters which do not concern me at the present moment. There is not question, just now, of political intrigues which a Pope or his Curia might be imagined to engage in, either through ambition or through partisanship with friendly sovereigns, nor even of favours bestowed on kings or princes, or nations, from gratitude, or for the purpose of conciliation. We have to deal with laws of strictly ecclesiastical discipline, and the mode of their administration or enforcement. The Pope, with or without the aid of a General Council, legislates for the Church, and is presumed to do so with the intention of promoting the spiritual welfare of his subjects and carrying out the designs of God. The laws thus made the Pope—as possessing the chief executive authority—and under him the bishops and clergy throughout the world apply and enforce, it is again presumed, in the same spirit and with the same view. These laws, besides being liable to total repeal, admit of dispensation as to particular persons, and also of partial abrogation as to places. Questions likewise arise about their meaning and comprehensiveness, that is to say, the cases and circumstances which they comprise, and

many such questions are decided at Rome, as I have stated above. The decision of these questions depends a great deal on various circumstances, and upon alleged facts about which there may be mistakes. Even independently of such mistakes, the answers given are not infallible, though sufficiently reliable for practical purposes. Now, before going any further, I may observe that an ordinarily prudent and perfectly honest course followed in the making, administering, applying of ecclesiastical laws in the department of marriage, as well as in other departments, even where extraordinary difficulties did not occur, would involve results not very intelligible to persons not well versed in such matters. There would be seeming contradictions and inconsistencies. In the civil order this is the case. But in the jurisprudence of the Church some considerations enter that have not place in that of the State. The great object the Church has in view is the spiritual welfare of the faithful, and this object demands that there should be more regard for human infirmity than is or can be paid to it by temporal legislators and tribunals. There are two things to be balanced and reconciled, namely, sufficient strictness of discipline and a fair amount of suavity and allowances made for difficulties. I would not be understood to deny that there ought to be, and is, a measure of this mildness in the civil order, but the measure is less, and by no means unjustly so, as could be shown if we had time to go more fully into the subject.

Besides this intrinsic economy, if I may so call it, of ecclesiastical law, and its administration, provision has to be made for collisions between the Church and the State—collisions arising from false principles and tyrannical action on the part of the latter. Even Catholic governments often ignore, in many things, the rights of the Church; and this is, in a true sense, *natural;* not because it is according

to the dictate of natural reason, but because it flows from the corruption of nature, like the rebellion of the passions in individual men. This unfortunate tendency is increased and promoted by false opinions, sometimes innocently, sometimes guiltily, held by Catholics, and still more by those who, while nominally Catholics, are in reality little or nothing better than infidels. From Protestant governments we cannot, of course, expect Catholic principles, though we might expect, even from them, more of consistency and social fairness than we find. Well, then, the action of ecclesiastical laws is obstructed and contravened by kings and cabinets and parliaments. What is the Church to do? What is Rome to do? Is it to sweep away the laws, which are otherwise judged fit for the spiritual government of the Faithful? Surely not. This course would be too prejudicial in itself, and would be, besides, yielding unduly to what all Catholics must consider to be an unjust pressure. Are the laws of the Church to be declared inoperative as to baptized non-Catholics? Are baptized non-Catholics to be explicitly exempted from them? Not certainly as a matter of right: for this would be against principle. Not universally; for this, too, would more or less compromise the principle. How far it is expedient to go in the way of such exemption is a matter for the prudential judgment of the Holy See. But, even where there is not an exemption, is the Church in every instance to insist loudly on the fulfilment of the laws, to protest loudly against their violation? Is she bound in all circumstances to bring out into relief the effects which follow from non-observance, as, for example, the invalidity of certain marriages? Surely the Pope cannot be condemned for having regard to the difficulties in which his spiritual subjects are placed by the perversity of civil rulers, for not increasing those difficulties, and intensifying

disagreements and unnecessarily provoking anger and persecution. The good of Religion does not demand indiscriminate open interference in all cases, and fruitless attempts to set everything right. The good of Religion *does* require that sound doctrine and essential rights should not be compromised, that truths unpleasant to many should be proclaimed and maintained at every cost; and this the Pontiffs do; and assuredly Pius IX. did not shrink from the duty. This fact shows abundantly that what is called *policy* is not allowed to interfere with the demands of conscience, and the paramount interests of the Faith. When Popes and Bishops fulfil their office thus fearlessly, they and the faithful laity, too, who obey them and echo their voice, are charged with aggression and disloyalty. When, on the other hand, a prudent tolerance is practised, where there is room for it, with a view to avoid additional troubles, it is called policy, in no complimentary sense. After all, Mr. Gladstone ought to know that *a wise policy* is not a thing to be condemned.

I may observe that Mr. Gladstone has *played* upon a word, and most likely with effect as to many of his readers. The word is *dissimulation*, "a name," he says, "by which the Court of Rome itself has not been ashamed to describe its own conduct." This is a good hit; but is it a fair one? The term *dissimulation*, I freely admit, conveys, for the most part, a bad meaning. It implies artful concealment, with a view, either to carry out more securely hostile intentions, or else to obtain from the party that is their object favours or concessions that would not be granted if the designs were known, or with some other sinister purpose. It includes *double-dealing*, which last word has the merit of not admitting any but a disreputable sense. But dissimulation, or at least *dissimulatio*, in Latin, which

is the official language of Rome, can be taken, and often is taken, for an innocent, and sometimes merciful, concealment or passing over of something which it would be painful to have noticed and acted upon. We have several instances of this signification in the Latin Vulgate, which, where the Pope is concerned, is not a bad standard.*

Johnson, in his dictionary, under the word *dissimulation* gives the following sentence from "South's Sermons": "*Dissimulation* may be taken for a bare concealment of one's mind, in which sense, we commonly say that it is prudence to dissemble injuries." The Imperial Dictionary has this remark: "Dissimulation may be simply concealment of the opinions, sentiments, or purpose; but it includes also the assuming of a false or counterfeit appearance which conceals the real opinions or purpose." It is clear that dissimulation may be of a friendly and beneficial character, and that where this is the case, unless the concealment be unlawful for some special reason, there is nothing to be ashamed of. If, for instance, I know a debt is due to me by a man who is either unaware of it or unable to pay it, and I carefully avoid all allusion to the debt, to save the party from pain and trouble, though for good reasons I do not remit the obligation, no one will say that I am committing a guilty act of dissimulation. It would be otherwise if my silence were intended to afford my debtor a false security, and thus ensure me the opportunity of

* 1 Kings, x. 27, "Ille vero *dissimulabat* se audire." Douay version: "But he *dissembled* as though he heard not;" Authorised (Anglican) version: 1 Sam. x. 27, "But he held his peace." Job, iii. 26, "Nonne *dissimulavi?* nonne silui? nonne quievi;" Douay version: "Have I not *dissembled?* have I not kept silence? have I not been quiet?" The Authorised version differs here from the Vulgate. Wisdom, xi. 24, "Sed misereris omnium, quia omnia potes; et *dissimulas* peccata hominum propter pœnitentiam." "But Thou hast mercy upon all, because Thou canst do all things, and overlookest the sins of men, for the sake of repentance."

coming down on him at a still more unfavourable time and effecting his ruin. Now, there is not the least doubt that the dissimulation which the Court of Rome attributes to itself is not of that vicious kind so commonly designated by the word. The Pope's dissimulation is not practised for the purpose of circumventing, for the purpose of later taking an unfair advantage. It consists in abstaining from a pressure which might do harm to the parties concerned. This is plain from the nature of the cases which the so-called dissimulation regards. It is rendered, if possible, additionally plain by the fact of its being *acknowledged*. Surely Mr. Gladstone ought to have more faith in the *astuteness* of the Roman Court than to imagine it would acknowledge double-dealing.

CHAPTER XXVI.

The Church and Politics.

When I first undertook to treat of the Relations of the Church to Society, expecting to be more brief than I have been, one idea rather prominent in my mind was the right of the Church to deal with what are called *political questions*. I am not alluding to the interference of priests in politics, though there is some connection between the two things. I speak of the authority of the Church to pronounce on the soundness or unsoundness of certain political maxims, and to insist, as far as in her lies, on their being respectively followed or disregarded. I have, perhaps, said enough in different contexts throughout the preceding papers to indicate and establish this authority; yet I do not wish to omit treating of it expressly, though in a very compendious way.

There are those, not only among Protestants but among Catholics, who would readily applaud and adopt the assertion that the Church has no business to meddle with politics. The grounds of this statement are: that the Church—if Divinely established at all, which many Protestants would deny, at least in our meaning of *Church*, and of its *Divine establishment*—that the Church, I say, has been established for the spiritual and not for the temporal government of men; that the Church has one sphere of action, and the State another; that even if, in a case of collision on common or disputed territory, the Church should be allowed the prerogative of deciding, she has no power in avowedly civil and temporal matters. Further, the great motive of

merely political action is expediency, either as regards a particular nation or as regards international interests. Whatever is found to suit men best is the best to be done. Now, in all this there is nothing supernatural, nothing spiritual. It is a kind of matter, too, which the Church and its prelates are not bound to understand, and do not understand. There may, perchance, be individual churchmen who are good politicians as there may be individual laymen who are good theologians, but when this happens it *is* perchance. Men of the world, as a rule, know much better what are their own temporal rights, and what turns most to their account as citizens, than bishops and priests. Besides, the very rights themselves, which are to be exercised or controlled, are the creation of men viewed in their civil capacity; they are, so to speak, the property of citizens as such. The intervention, therefore, of the Church in these things is an aggression on a domain which does not belong to her.

These are the notions, plausible at least in part, which prevail in the minds of many who do not altogether deny the Divine institution of the Church, or who even zealously maintain that institution. These notions are thoroughly inaccurate, though not without some admixture of truth, but truth distorted and made subservient to error. Let us try to unravel the system and discover its flaws. In the first place, I freely admit that the Church is not charged with the temporal government of men. This has been placed by the Almighty primarily in the hands of the human community and its different sections throughout the world; secondarily, but really, in the hands of those to whom the people have entrusted it, with the modifications and reservations wherewith they—the people—have affected it. The authority of all kings and rulers of whatever kind is *derivatively* Divine. It has come to them through the

people. In every supposition, even that of the immediate Divine right of kings, which I do not maintain, the people do not cease to have rights. The nature, and qualities, and limits of these rights depend on natural principles and on circumstances; not that the principles are created or altered by circumstances, but that their application is varied according to the moral condition of things, as is that of particular physical laws by the physical condition of things. All this is independent of the Church, as to its existence and force, but is cognisable by the Church as to its truth and the obligations which arise from it, in the same way that the natural precepts binding to the observance of ordinary contracts, and forbidding murder, theft, &c., are quite beyond the Church's control, but belong to the matter of her teaching, and can be insisted on by her under pain of ecclesiastical censures. Again, *the mere expediency* of political arrangements, that is to say, their convenience and worldly advantages are not even within the cognizance of the Church. She has nothing to do with them. So long as the arrangements are not morally due on the one hand, and not morally wrong on the other, they are outside the bounds of ecclesiastical authority. But the doctrine that all right is resolvable into expediency is an impious doctrine, which the Church cannot accept, and is warranted and compelled to condemn. Expediency has its own place, and the place it legitimately occupies is not small. There is a wide field for satisfying its demands, but those demands must not be opposed to Divine Law.

The summary of the doctrine which fixes the Church's position towards human politics may be given in a few words. Political measures may be, in many cases, commanded, and in many more forbidden, by Natural Law. They have a moral as well as a political bearing. This moral bearing belongs to what is called *Morals*, for Christians to Christian

morals. Of Christian morals the Church has from God the charge, not as their framer, but as their exponent and guardian. It belongs to the Church in this capacity to teach authoritatively the truth regarding political maxims and doctrines, and to require, so far as she can, conformity and adhesion to her teaching in this, as in other matters which fall within her competence. Whatever appertains to faith or morals appertains to the Church as their depositary and their vindicator. As to ecclesiastics being conversant or not with politics; in the first place, they are professionally conversant with *morals*, and, wherever morals enter, ecclesiastical science enters. With the other aspects of politics, it is not the *special* business of ecclesiastics to concern themselves. Yet, there is no reason why they may not be acquainted with these too as well as, and better than, the mass of those who are freely allowed to take a part in political discussion and action.

As we are on the subject of the Church's teaching in the domain of politics, it will be well to glance, by way of illustration, at one or two of the points of that teaching in our own days. Pius IX., in the well-known Encyclical *Quanta cura*, after treating of *liberty of conscience*, of which I have said something in a preceding chapter,* goes on to speak as follows: "And since, where religion has been withdrawn from civil society, and the doctrine and authority of Divine Revelation have been repudiated, even the genuine notion itself of justice and human right is obscured and lost, and material force is substituted in the place of true justice and legitimate right; hence it becomes clear why some men, neglecting entirely, and passing by the most certain principles of sound reason, venture to proclaim: That the will of the people, manifested either by public opinion, as they call it, or otherwise, constitutes

* *Ante*, pp. 262 and following.

the supreme law freed from all Divine and human right, and that in the political order consummated facts, precisely on the ground of their being consummated, have the force of right. This last statement, attributed to *some men*, constitutes one of *the bad opinions and doctrines* condemned in the close of the Encyclical, the opposite doctrine being thereby taught as I have explained earlier.* Here we consequently find asserted the existence and binding force of superior right not arbitrarily created by men. I may observe that the Latin word *jus*, which I have translated *right*, may also mean *law;* but in the present context both come pretty much to the same thing, and the word *lex* is also used, which I have translated in the only way it can be translated, namely, by the English word *law*.

In innumerable cases, rights depend immediately on men's own acts, which acts being set aside, the rights would not exist at all. For instance, if I sell my horse to another, his right to the horse comes from our mutual act. But the foundation of this right is the natural principle of the efficacy and binding character of contracts, and over this principle neither of us has the least control. Or—putting it in another way—his right to the horse, *in the supposition* of the contract duly entered into by me with him, is not created by either of us, but comes from God, the author of nature. Even after the contract he can annul his own right by renouncing it, but I cannot do so by myself, nor can he annul my right to the price; but by common consent we may rescind the bargain and let things be as they were before it was made. In all this we are proceeding in conformity with the supreme law over which in itself we have no power. What is true of this ordinary private transaction is true of all other rights, on a small or on a large scale, among men. All rights are

* *Ante*, p. 177.

based on the law of God, whatever part the acts of men may have by way of conditions.

In the proposition here condemned we may notice two parts, connected, no doubt, with each other, but still distinct. The first, asserting that the will of the people is the supreme law discharged of all restraint and unshackled by Divine or human claims, is obviously subversive of Natural Law; the other, regarding those *accomplished facts* of which we hear so much now-a-days, does not display such manifest wickedness at first sight, but is, notwithstanding, a detestable error. Assuredly in private life, when a thief carries off property, the owner's title to it is neither extinguished nor diminished in the eyes of civil society, whatever be the religion of its members. But in public and political relations, this principle, though equally applicable, is too little regarded. No matter how unjust the change effected may be, it is the political maxim of many that once made it is to be looked on as legitimate. This is *an immoral maxim*, and as such condemned; its advocates may contend that, after all, without going so far as to oust God's rule, the people are to be recognised as supreme on earth in matters of government: for are they not the source of all legitimate power? I reply that, in the first place, when the people have once constituted a depositary of civil power, they cannot arbitrarily withdraw the deposit or violate the contract. Nor can they decline to obey the just laws of those whom they have placed over themselves. In the next place, the *accomplished facts* of sovereigns dethroned and fresh governments established are, for the most part, not the work of the people, but of a faction, often formed and oftener aided from without. A certain colour of popular choice may be given by the fraudulent farce of a *plébiscite*, as was most remarkably the case in the late Roman usurpation.

But, it may be urged that when a fact of this kind is accomplished, after all, it *is* accomplished and cannot be so easily undone, and if the new state be not maintained there will be no order. The best thing, therefore, that can be done is to accept it. I reply, that in this contention there is a mixture of truth; but the elements of truth and falsehood must be separated. In the first place, a manifestly unjust proceeding is not to be *approved*, even after it has been carried out. Then, such a proceeding cannot of itself generate any real right. Iniquity cannot afford a just title. If the unwarranted accomplished fact can be overturned, and that without incurring some equal or greater evil, this may and ought to be done. Otherwise, the new state of things must be borne with, and, not only borne with, but allowed for the time to hold the place of that which has been supplanted. This is exemplified in the existing Roman usurpation. The Pope is still, beyond doubt, the lawful sovereign of his former states. It is my decided opinion that the Pope will recover them, or at least a good part of them—I mean *some* Pope, though I am not without hopes that it may be Pius IX. *How* they are to come back to him or any of his successors I do not pretend to conjecture. My trust is in God who certainly *can*, and I am satisfied *will*, in his own time and in his own way, make the Pontiff a king too, not only *de jure*, as he still is, but *de facto*. Mr. Gladstone, in his "Expostulation," expresses great apprehensions of a projected attempt to reinstate the Pope in his temporal dominion by force of arms, an attempt which he vehemently denounces on account of its possible results, though its success would, in his mind, be hopeless.* I am certainly not aware of any such plan or purpose, nor do I believe it to exist in any definite form. I should think the Pope is waiting for Providence to succour him, without

* "Expostulation," pp. 49 and following.

specifying the mode. But I have no hesitation in saying that a war directed to the re-establishment of the Pontiff's temporal sovereignty would be just, so far as *the cause* is concerned; but the justice of a cause is by no means the only element that enters into the practical lawfulness of a war undertaken to maintain it. I am, however, digressing.

I was about to say that, notwithstanding the Pope's subsisting rights, and his being still the sovereign *de jure* of the States of the Church, the intruding power is not destitute of all claim to a limited allegiance. The so-called king of Italy, who is personally but a cipher, and by no means a respectable cipher, and his government, which is iniquitous in other ways besides that of its defective title, exclusively possess actual civil sway in the Roman territory, and are consequently charged with the present maintenance of order, though, perhaps, their maintenance of it is not exemplary. Under these circumstances, while they exist, the inhabitants are accidentally bound to submit to the otherwise legitimate action of the existing authority. A *de facto* sovereign is to be obeyed while he holds his place, just because he is *de facto* sovereign, and the good of society requires that this obedience should be paid to avoid total anarchy. Hence, the Holy See allows individuals to hold offices under the usurping authority, provided the fulfilment of these offices do not involve a compromise of principle, by doing, namely, or approving what is wrong. I may add, before leaving this matter of accomplished facts, that their invalidity is to be viewed with reference chiefly to the time which follows them somewhat nearly; for if the new state of things improperly introduced last on for many years, it may, if not essentially wrong in itself, become in a manner legitimated.

In the Syllabus, n. 62, we find this proposition condemned: "The principle which they call of *non-intervention* is to be

proclaimed and observed." This famous principle, as maintained by many, is patently unsound. It is opposed to the natural as well as to the supernatural law of charity, and may easily come to militate against the virtue of justice. First, as to charity, certainly individuals not only lawfully can, but are often bound, to help other individuals who are wrongfully assailed or oppressed by their fellows. There is scarcely, I apprehend, a man to be found, with or without religion, who would condemn or even decline to applaud assistance thus rendered. There is scarcely one to be found who would not condemn the omission of it in various instances, whatever he might be disposed to do himself. Now there is no reason why this doctrine and practice of charity should be confined to individuals. The relations of men to their fellow-men do not depend on the number of persons concerned. All are brethren, all are required to assist all, so far as need demands and circumstances permit. It is on this principle that alliances are formed among nations; but the debt of charity is not restricted to these. In cases even of internal disorder intervention may sometimes be advisable and even due. No doubt, there must be in this matter great moderation and circumspection, and, as a general rule, States are to be left to themselves in what regards their own affairs. I have said that the maxim of non-intervention may contravene not only charity but justice; for, although the assistance men are called on to render each other, on a small or large scale, where no binding treaty exists, is not demanded by strict justice, it would be unjust forcibly to prevent others from affording such assistance, in virtue of the maxim we have been speaking of. The principle of non-intervention reprobated by the Pope in the Syllabus is an immoral principle, and this is the ground of its reprobation.

It is worth while to observe that this principle, and the

other about accomplished facts, and probably many more besides, which are somewhat plausible and have an element of truth and fairness in them, mixed with what is quite the opposite of true and fair, are chiefly employed on the wrong side. Those who are fondest of putting them forward are men that will not be stopped by them in their own course, men who, to the best of their ability, sweep away all accomplished facts which they dislike, and intervene whenever they can to do mischief and upset right. Such maxims or principles are to these men simply tools for a purpose; and for a purpose they will occasionally use and abuse the purest principles, they will become actually sanctimonious and preach to priests, and bishops, and popes. I have said those who are *fondest* of putting forward such maxims; because there are other men less evil-minded, and often even really well intentioned, who allow themselves to be imposed upon, and unwittingly chime in with the enemies of religion and of order, and it is mainly for the sake of these that the Pontiff raises his voice and points out the fallacies whereby they are deluded; for the others disregard his authority and scoff at his admonitions.

The greater part of registered ecclesiastical decisions with reference to the civil state and its claims and the doctrines of men concerning it—the greater part, I say, of these decisions regard either the just rights of secular governments maintained by the Church against revolutionists, or the pretended power of secular governments to control the Church or evade *her* rights and intrude on her proper domain. Both these classes of matter belong in a certain way to politics, that is, to the political action of men, of kings and republics, and ministers and parliaments, on the one hand, or of popular leaders and their followers on the other hand. But the Church interferes little in an authoritative form, not only with the details of mere

political arrangements, but even with the rules which should be followed as to these details. She does not, indeed, ordinarily meddle with legislative enactments of a purely temporal character, though all these things have their moral aspect, which the parties concerned are bound to deal with conscientiously according to their own lights, supplemented often by those of better-informed advisers. Reverting for a moment to Mr. Gladstone's views about the Pope's interference in civil matters, and, among the rest, as to ecclesiastical property, I observe that he premises this title or heading: "*Alleged* Non-Interference of the Popes for Two Hundred Years."* He then opens thus: "It has been alleged on this occasion by a British Peer, who, I have no doubt, has been cruelly misinformed, that the Popes have not invaded the province of the civil power during the last two hundred years. I will not travel over so long a period, but am content even with the last twenty."

In support of his counter-allegation, Mr. Gladstone enumerates various declarations of Pius IX., regarding, 1,† the suppression of monastic orders as moral entities: "that is to say," he adds, "as civil corporations"; 2, the establishment of toleration for non-Roman worship (in Spain); 3, the secularization of ecclesiastical property; 4, "freedom of opinion, of the press, of belief, of conscience, of science, of education, and of religious profession. . . . matrimonial jurisdiction, and other matters" (in Austria). "In all these cases reference is made, in general terms, to Concordats, of which the Pope alleges the violation; but he never bases his annulment of the laws upon this allegation;" 5, "the suppression of monastic orders and appropriation of their properties" (in the kingdom of Sardinia in 1855); 6, "the interruption of

* "Vaticanism," p. 88. † The numbering is mine.

negotiations for a Concordat with Mexico, and the various acts of that government against religion, such as the abolition of the ecclesiastical *forum*, the secularization of Church property, and the civil permission to members of monastic establishments to withdraw from them;" 7, "like proceedings on the part of the Government of New Granada. Among the wrongs committed, we find the establishment of freedom of worship (cujusque acatholici cultus libertas sancita)." In all these cases the Pope annuls, or declares null, the laws of which there is question.

"No more, I hope," Mr. Gladstone triumphantly subjoins, "will be heard of the allegation that for two hundred years the Popes have not attempted to interfere with the civil powers of the world." I hope not, too, so far as this kind of interference goes. The Church has rights; so have ecclesiastical bodies, partly inherent, partly by grants which cannot be arbitrarily withdrawn; certain things are against concordats, by which legislatures are bound; other things —and often the same things—are against Divine Law. All unjust laws are null and void without the Pope's help. Some of them, or rather their effects, might become legitimate by the Pope's acceptance or toleration of them, as being in matters concerning which he has a discretionary power. With regard to all these things, it is his business to pronounce as the representative of the Church—not by delegation, but by direct Divine appointment—as the head of that great society, as the maintainer of its rights and his own, as the spiritual ruler of Christendom; it is his business to pronounce, to protest, to insist, to enforce right as far as he may by his spiritual authority. He is the independent sovereign of the visible kingdom of Christ on earth, and has charge of its prerogatives, as well as of the doctrine of Christ which he is appointed to teach and vindicate. This does not imply any share in the temporal

and political government of the different countries of the world. When the Pope condemns and annuls such civil laws as those alluded to by Mr. Gladstone, he does not precisely destroy their external civil validity so far as this consists in their maintenance and enforcement by secular governments. If Mr. Gladstone rejoins, as he naturally would, that the Pope has no merit for this, I will not dispute the point with him. Merit or no merit, it is with conscience alone the Pope deals in the cases cited. But Mr. Gladstone is dissatisfied at his dealing so with conscience. "He alone," says Mr. Gladstone, "of all ecclesiastical powers presumes not only to limit the domain of the State, but to meet the State in its own domain. The Presbyterian Church of Scotland showed a resolution never exceeded, before the secession of 1843, in resisting the civil power; but it offered the resistance of submission. It spoke for the body and its ministers in things concerning it; but did not presume to command the private conscience. . . . The Pope takes into his own hand the power which he thinks the State to have misused. Not merely does he aid or direct the conscience of those who object, but he even overrules the conscience of those who approve. Above all, he pretends to annul the law itself." If the Church has been established to guide authoritatively the consciences of men, as all Catholics believe that it has, why should it not overrule them—in the sense here meant? I am not going to get back into the question of an actual collision between the Pope and an individual conscience. But assuredly it would be a new view of the Pope's position that his business in moral matters was only to direct and aid those who took a particular side, and not to determine the side they ought to take, in conformity or not with State laws. It is all very well for the Presbyterian or any similar Church, which cannot consistently—though it may incon-

sistently—claim authority to regulate the conscience of its members; but the case of the Catholic Church, as understood by Catholics, is very different. As to *annulling* the laws, it comes pretty nearly to the same thing as officially declaring them null, and withholding that assent or acceptance which could alone give them force.

I think it well to call attention to a charge of Mr. Gladstone's against the Holy See in the matter of civil obedience. "Unquestionably," he says ("Vaticanism," p. 80), "the Pope and all Popes are full and emphatic on the duties of subjects to rulers; but of what subjects? to what rulers? It is the Church of England which has ever been the extravagantly loyal Church; I mean which has, in other days, exaggerated the doctrine of civil obedience, and made it an instrument of much political mischief. Passive obedience, non-resistance, and Divine right, with all of good or evil they involve, were specifically her ideas. In the theology now dominant in the Church of Rome, the theology which has so long had its nest in the Roman Court, these ideas prevail, but with a rider to them; obedience is to be given, Divine right is to belong, to those princes and governments which do right, Rome being the measure of right." The terms of this charge are hardly fair. Whatever there is of truth in the charge itself admits of an abundantly sufficient answer. The passage might to some convey the meaning that *title to allegiance* depends on the conformity of the action of kings and governments to Roman views and principles. This, I admit, is *not* Mr. Gladstone's meaning; in such a sense the assertion would be patently false. Rome *does* inculcate allegiance to heterodox and even persecuting sovereigns. They are to be obeyed in what they justly command. Their unjust laws and ordinances are not *binding*, though even these *may* be obeyed, and sometimes

ought to be obeyed, to avoid greater evils, but *must not* be obeyed where sinful acts are exacted. Will Mr. Gladstone seriously dispute any part of this doctrine? He will, of course, demur to Rome being the judge of the character of the laws and ordinances. But we say God has made Rome the judge—the official, and, in some circumstances, infallible judge.

CHAPTER XXVII.

The Pope's Temporal Power.

In speaking of the Church's concern with politics, I touched, though but incidentally, on the Pope's Temporal Power, the present cessation of which is *an accomplished fact*. I will now dwell a little on the subject as being of great importance at this time, and falling quite sufficiently under the general heading of these papers, namely—"The Relations of the Church to Society." Certainly, the position of the Head of the whole Church as a secular sovereign, constituted such for the sake of the whole Church, is a circumstance which enters into the relations of the Church to Society.

Various questions arise concerning this temporal power. The first is as to the origin and nature of the Pontiff's right to secular dominion over his states. In speaking of the origin of this right, there is no need of tracing in detail the history of the acquisition of the dominion itself. We know that it came to the Popes from princes and people in a natural way, in a humanly legitimate way, that even if there had been any defect in the primitive title—and there was not—this would have been cured by lapse of time, and the acquiescence, which followed, of all the parties who could be imagined to have any surviving claim to object. On this point there is no rational doubt. In truth it would be hard to find any sovereignty so free throughout from any flaw as to mere human title. But we may ask whether the Bishop of Rome, the Vicar of Christ, had any antecedent right to be endowed with this domain; and, if not, whether

still the right consequent on the endowment is to be regarded as specially Divine in connection with the Papacy—setting aside the general question of the Divine right of kings. My answer is in the negative. I am not speaking of congruity, of fitness, of expediency, but of *right;* and I say that the Pope could not originally have *demanded* temporal sovereignty—that when he received that sovereignty he held it by human and not by Divine right. In other words, the right to hold the states was created by men and not by God. The right may be justly called *sacred*, and is in reality such; nay, the states are in a true sense sacred, not in themselves, but as consecrated to God by being bestowed on the Church in the person of the Roman Pontiff, the representative of Christ as his Vicar, and the representative of the Church as its Head. Hence it is that the usurpation of these states is reputed *sacrilegious.*

It does not follow that the Pope's temporal authority over his subjects is different in its nature from that of any other prince or king. The actual relation between sovereign and subject is the same at Rome as anywhere else. Disobedience to him as a civil ruler is just like disobedience to another potentate. But spoliation is quite a different thing. It is wrong everywhere, and it is doubly wrong with relation to the Pope. The Pope's right to govern his states is of human and not of Divine origin; it is sacred on account of the end for which it was bestowed by men; but the nature of the jurisdiction is identical with what is to be found in the supreme authority of any other country, whether that authority reside in one person or in many. It is quite true, as I shall have occasion to state later, that the Pope's temporal power is due to a special disposition of Providence; but this makes no difference in the intrinsic nature of the right. Divine right and the action of Divine

Providence are two totally distinct things. A power whose existence is merely *brought about* by God—even if it were miraculously brought about—is not different in its inward character, on that account, from what it would be otherwise. No doubt, the peculiar, positive, and, so to speak, approving intervention of God (as contradistinguished to mere permission) commends highly whatever work or system is so promoted; yet the work or system remains human. So much for the first question.

The second question is: Whether there is anything wrong or unfit and improper in the possession of temporal power by the Popes; whether, in one word, their civil sovereignty was not from beginning to end one great moral mistake. My answer to this question shall be very short, partly because there is no need of making it long, partly because my answer to a later question will more than sufficiently comprise a solution of the present one, which I only propose for the sake of fulness and order. I say, then, that no good Catholic can impeach the lawfulness and congruity of the Pope's possessing temporal power, unless so far as he may be excused by inculpable ignorance, the limits of which are not easy to fix. It is quite inconsistent with the sanctity of the Church, and with God's promises to her, that she could have approved and embraced for so many centuries, as she assuredly did, the system we are speaking of, unless it was blameless and thoroughly right. A long series of Pontiffs, many of them saints, a succession of general councils, all the bishops and clergy, and, we may fairly say, all the faithful, adhered to it as a thing that ought to be. Whoever attempts to controvert it on principle, charges the Church with grievous practical error, and sets aside her authority. Among the false propositions recorded in the Syllabus of 1864, the seventy-fifth is as follows: "The sons of the Christian and Catholic Church dispute among them-

selves about the compatibility of a temporal with a spiritual kingdom." The question, therefore, is *not* debated among sound Catholics. Indeed, I look upon the condemnation of the Pope's temporal power as constructive heresy. For if it is wrong, the Church, too, is wrong in a way in which our faith forbids us to admit she can be wrong. But I must not lengthen my answer further, after having promised that it should be short.

The third question I propose is: Whether or no the temporal power has been beneficial to the Church. The answer is again short. Undoubtedly, the temporal power has been beneficial to the Church. Were this not so, it could not have been rightly maintained by the Popes and by the Church. It is not of the number of things that are indifferent. The arguments that are alleged against it, poor as they are, would not be—at least some of them—answerable, unless there was a positive good derived from the temporal power, and a good counterbalancing the dangers and inconveniences which are, through human weakness, inseparable from civil administration. Secular interests, though not essentially bad, are not by their nature conducive to piety, and in connection with spiritual government, when they are not wanted, are better away. No one understands this better than the Popes. The same may be said of ecclesiastical property. If it could be done without, if it were not needed, either absolutely or for the more effectual carrying on of religious undertakings, it would be of the two rather an evil than a good.

And this consideration of necessity or need brings me to a fourth question, on which I shall have to dwell at somewhat greater length, and the solution of which will serve to complete that of the three I have just been dealing with.

Is the temporal power of the Pope *necessary* in any true

sense, and, if so, in what sense? I can easily understand a well-meaning, intelligent, educated Catholic replying, that as to necessity there is none, and, in his judgment, things would be better otherwise, not exactly as they have been since 1870, but with a different arrangement, still excluding the temporal power. I can understand, I say, a reply of this kind being given through want of accurate knowledge, and through impressions made by reading or hearing false statements and superficial sophistry; but I cannot understand its being innocently persevered in after even a brief explanation of how matters really stand. Reason itself alone—the Catholic Religion being once admitted—is sufficient to show what sort of answer should be given to the question we have on hand. But, for a Catholic, mere argument is not the chief road to truth in things belonging to religion as this does. He must look first to authority, to the declarations of the Church or of the Pope, to the sense of the Church as it is called, that traditional view which prevails among her pastors and people, and which finds expression more or less distinctly, more or less emphatically, as occasion requires; though when it has to be definitely formulated, it is seen not to be feeling or sentiment, but well-founded doctrine.

It is certainly deplorable that professing, and even earnest Catholics should theorise—for the most part at second hand—on subjects they only half understand, and flippantly pronounce judgment regarding them, discrediting religious truths and those who hold them, misleading other Catholics more ignorant than themselves, and giving a handle to Protestants to pit Catholics against Catholics on points about which we ought all to agree. The worst feature, however, in the proceeding is the unsoundness of the opinions thus advocated. *In dubiis libertas*—in things that are really uncertain, let everyone think and speak as

he pleases, or rather let him weigh the reasons and form the best judgment he can, or none at all, if he finds no apparent preponderance, and express his thoughts with moderation and prudence. But there are propositions even short of dogmas which we are not at liberty to hold or reject according to our own abstract reasonings.

Returning now to the question about the necessity of the Pope's temporal power. I will first cite from ecclesiastical documents three passages in which the necessity of the temporal power is asserted, in two instances by the present Pontiff himself,* in the third by a large number of bishops. In an Encyclical Letter, dated the 18th of June, 1859, and addressed to all the Bishops of the Church, Pius IX. speaks as follows:—"We publicly proclaim that a civil princedom is necessary to the Holy See, that it may be able to exercise its sacred power without any impediment; which civil princedom, indeed, the artful enemies of the Church of Christ are striving to take away from the same (Holy See)," etc. Again, in an Apostolic Letter of the 16th of March, 1860, he says: "Since the Catholic Church, founded and instituted by Christ the Lord to procure the eternal salvation of men, has, by virtue of its Divine institution, obtained the form of a perfect society, it ought consequently to possess such liberty that in the exercise of its sacred ministry it should be subject to no civil power; and because, in order to act freely, as was just, it needed defences corresponding to the condition and necessity of the times—therefore, by a decidedly singular counsel of Divine Providence it happened that, when the Roman empire fell and was divided into several kingdoms, the Roman Pontiff, whom Christ has constituted the head and centre of His whole Church, acquired a civil princedom; whereby in truth it was most wisely provided by God

* Pius IX.

Himself that, amid such a multitude and variety of temporal princes, the Sovereign Pontiff should enjoy that political liberty which is so necessary that he may exercise his spiritual power, authority, and jurisdiction throughout the whole world, without any impediment." In connection with the Pope's allusion to the dissolution of the Roman empire, it is curious that his present privation of temporal power is the result of an attempt to reconstruct the Italian part of the empire, with Rome again for the capital, and Rome, as much as may be, paganised.

The bishops assembled at Rome in 1862, in an address to the Holy Father, dated the 9th of June of that year, express themselves thus: "We recognise the civil princedom of the Holy See, as something necessary and manifestly instituted by the Providence of God, nor do we hesitate to declare that in the present state of human things this civil princedom is altogether required for the good and free government of the Church, and of souls. It was assuredly necessary that the Roman Pontiff should not be the subject, nay, not even the mere guest of any prince, but that residing in a kingdom and dominion of his own, he should be his own master, and in a noble, tranquil, and venerable liberty should defend the faith, and rule and govern the Christian commonwealth. . . . But to say any more on this so important subject hardly becomes us, who have often heard thee not so much discoursing as teaching with regard to it. For thy voice, as a sacerdotal trumpet resounding through the whole world, has proclaimed that, 'by a decidedly singular counsel of Divine Providence, it happened that the Roman Pontiff, whom Christ had constituted the head and centre of his whole Church, acquired a civil Princedom.' By all of us therefore it is to be held as most certain that this temporal rule did not fortuitously accrue to the Holy See, but by a special disposition of God

was assigned to it, and during a long series of years confirmed and preserved to it, with the unanimous consent of all kingdoms and empires, and almost by a miracle." This address may be looked on as coming from the whole Episcopate—morally speaking—if we take into account the number of those who signed it at Rome and of those who gave their adhesion to it at a distance. It may also be considered as expressing the sentiments of the Pope, who fully accepted and approved it. I subjoin a proposition set down in the Syllabus for reprobation—n. 76. "The abrogation of the civil empire which the Apostolic See enjoys would be in the highest degree conducive to the liberty and felicity of the Church."

The summary of the doctrine laid down in these passages is that the temporal power was established and maintained by God through a special Providence, that it has been beneficial, that it was necessary for the well-being of the Church, that its beneficial character and its necessity continue *in the present time*, and *in the present circumstances of human society and of the Church.* I emphasise this element of the doctrine to meet the subterfuge, or at least mistaken opinion, of those who pretend that the temporal power, though perhaps formerly useful, or even necessary, has ceased to be so. It is cheap for the enemies of any institution to admit a past utility, and fall back on the altered condition of the times. There are Protestants not unwilling to allow that the spiritual authority of the Pope did good in its day. No doubt, there are differences between periods that render some changes in legislation and observances advisable; but human nature remains the same; the substantial character and chief features of human society remain the same; and it is upon these that the utility and necessity of the Pope's temporal power depend. Even if it were *imaginable* that the world had become so altered

as to put an end to that utility and necessity, the decision of the question whether this was really so or not would not rest with every pretentious thinker and talker, but with those whose business it is to understand and pronounce on such questions, namely, the pastors of the Church; and we see what they hold and proclaim, not only as to the past, but as to the present.

What, we may next inquire, is the nature and degree of the necessity so plainly recognised and asserted by the Pontiff and the bishops? The end for which the temporal power is needed is the Pope's liberty and independence, his freedom from secular control, the opportunity likewise of possessing and working, without interruption or disturbance, the machinery of ecclesiastical government, and his enjoyment of competent revenues for the due maintenance of his position, as well as for the expenses incidental to his office—the expenses, namely, required to carry on the machinery of which I have just spoken. All this is comprised in those few words of Pius IX., "that it (the Holy See) may be able to exercise its sacred power without any impediment."

The *degree* of this necessity is a point somewhat more obscure, and on which I am unwilling to pronounce a decided opinion. In the first place, it is sufficiently obvious that the temporal power is not *essential* to the existence of the Church nor to the indispensable action of the Vicar of Christ. It is more obvious still that the Almighty could make the Church flourish more without the temporal power than she has ever flourished with it; but this would be in some sort changing the present order of Providence, and our whole question is about what is required in that order, and supposing the world to go on in other respects as it does and has done.

Coming, then, closer to the point; as things stand on this earth, the temporal power is needed for a certain measure or degree of well-being of the Church, which measure will not be attained without it. Is this measure a *minimum* due to the Church in virtue of the Divine promises, so that they would not be sufficiently fulfilled by anything short of it? We are speaking of the Church in its full maturity, in that normal condition which it did not reach for centuries after its first foundation. We are speaking, too, of a permanent state, not of passing trials, temporary interruptions. Is this measure of well-being, I repeat, which cannot be had without the temporal power, a minimum due to the Church in virtue of the promises made to her by Christ? My reply to the query is, that, in my judgment, no one is bound to admit such to be the case. It may or it may not be the case; I cannot see that it is. On theological grounds I would not say the restoration of the temporal power is certain, as it would be if we knew that it was necessary for the minimum of the Church's guaranteed well-being. I am, however, myself persuaded, as I said in the last preceding paper, that either Pius IX. or some of his successors will recover the States. The civil dominion of the Pope is necessary for a degree of well-being, whereof I do not believe that God will allow the Church to continue deprived. This civil dominion, resulting as it did from a special Providence, and similarly maintained for ages, appears to enter so much into the plan of God regarding his Church that He is not likely to let it finally fail.

Some think, perhaps, that the plan is being varied. But I can see no good ground for such an opinion. This ground is not discoverable in any change which human society has undergone; for no change of the sort can be assigned; and, besides, as we have seen, the Pope and

the Bishops say that the temporal power is necessary *now*. This ground, again, is not discoverable in the actual present cessation of the Pope's political sovereignty; because the same thing has happened before, and because we can easily conceive in general terms that the fortunes of the so-called Italian kingdom may undergo a total change, though we do not see precisely how this is likely to come about. Changes as unforeseen up to near the time of their occurrence, have happened in all times and very specially in our own, and have, on the other hand, fallen far less to the lot of the Popes, in an unfavourable sense, than of other sovereigns. I will add a view of mine, which is not perhaps worth very much, as I neither am, nor pretend to be, well versed in politics. The kingdom of Italy seems to me unstable and artificial. It does not appear solidly founded, nor on the way to being so. It is imperfectly put together, poorly governed, heavily taxed, with a people decidedly less happy than they had been before. I will say a little more of this last point further on.

It may be that God will permit the Popes to remain deprived of temporal power, though I am very far from expecting this. I am, as I have said, persuaded of the contrary. But if the foreboders of such a future mean to insinuate that God may positively *will* and *approve* the Pope's permanent loss of his states, the notion is quite inadmissible and not to be listened to for a moment. God may and does *permit* robberies, and murders, and sacrileges; but He does not wish them nor sanction them. He permits sovereigns to be unjustly despoiled of their kingdoms, and private individuals to be robbed of their property, but He is not an assenting party to these outrages. He does not desire his Church to be hampered and straitened, though He may tolerate it for a longer or shorter time. Of course, if the Almighty were even to *permit* the final

cessation of the temporal power, we should suppose some end or motive of *the permission*, some end worthy of the Divine Wisdom, though we might not be able to ascertain definitely what that end was. But assuredly it could not be the well-being of the Church as such. We know, for instance, that God allows vice, and even heresy, to dominate extensively in some countries, that in others He lets idolatry prevail, and all this for wise ends, among which, however, is not the welfare of those countries. Whilst this wickedness of men is permitted to go on, God calls them by His grace to change their ways, and inspires His ministers to labour for their conversion. So, if He permitted the States of the Church to continue permanently in other hands, He would undoubtedly will, though inefficaciously, the restoration of the Pontiff's sovereignty. It would still continue to be a good, virtuous, pious act to endow the Church with temporal power. For if it was so before, it would still be so, the circumstances being substantially the same. That they *are now* substantially the same we have on the authority of the Pope and of the Bishops; that they would continue substantially the same as they are now is the supposition I make; for if God were to bring about a different state of things, the case, as I have sufficiently explained, would not be the one we are speaking of.

Under my fourth question, I have been considering the existence and degree of the necessity of the Pope's temporal power, having regard almost entirely to *the authority* on which the doctrine on the subject rests, the authority of the Pope and the Bishops. But the declarations proceeding from this authority suppose reasons which indeed are partially indicated in the passages cited. Reasons there must be, and reasons present to the minds of those pastors who have proclaimed the doctrine; for the doctrine in

itself has not been revealed. There *are* reasons sufficient and satisfactory to show the necessity of the temporal power, so far as it is asserted. Yet those Catholics who have never considered the arguments or do not realise their force are not at liberty to reject the doctrine so emphatically propounded by the pastors of the Church.

My fifth question, then, regards these reasons or grounds. Why, I ask, is the Pope's temporal power necessary? A fully developed answer to this inquiry would exceed my limits. But I will reply, as I conceive, sufficiently and substantially, first in general terms, then somewhat more in detail. The Church of Christ, in the more comprehensive sense of the phrase, is a vast, organized, independent society, instituted for spiritual and religious ends, with laws and a legislative power of its own, with authorised magistrates, and officers, and tribunals, and temporal rights too from God as to the possession and acquisition of worldly goods; and, in fact, with worldly goods necessary or useful for its maintenance and administration. This society is spread over the earth, and divided into many sections, partly, though not necessarily, corresponding with the natural and with the civil divisions of countries, but still one society. Of this entire society the Roman Pontiff is the supreme Head on earth, having and exercising jurisdiction over all parts of the Church. His power is of Divine institution; he is in the strictest sense, *by Divine right*, Ruler of the Church. All Catholics recognise his sovereign authority in faith, morals, and discipline. He can and does make laws for the whole body; he enacts, repeals, and modifies ecclesiastical statutes, whether general or local; he grants dispensations even where no one else can; he confers, withdraws, restricts spiritual jurisdiction throughout the world. He is the supreme judge, not only of controversies concerning faith and morals, but also of

ecclesiastical causes, which come before him either in the first instance or by way of appeal. The whole of this intervention is based on Divine right, and is, at the same time, actual and practical in the highest degree.

This is a general view of the Pope's office and position and functions in the Church. He must be either a sovereign or a subject of some secular prince. He might no doubt be nominally exempt, nominally not *a subject*, but a permanent *guest* of the sovereign in whose territory he lived, and this very word "guest" is used by the bishops in the passage I have cited from the Address of 1862, to designate one of the things they deprecate. Even so, he would be practically a subject, in the power of the temporal sovereign, dependent on the same sovereign for whatever immunity was allowed him. He would be, in one word, a subject, as the early Popes were subjects of the Roman emperors. Suppose Rome actually ruled over by King Victor Emmanuel II., as unfortunately it is at this moment. Set aside the violent state of things which prevails there just now. Suppose the Pope legitimately a subject of the Italian monarch. Suppose him treated honestly, treated kindly, he is still a subject civilly of Victor Emmanuel. He is, at the same time, Head of the Church, with those attributes which I have described above. Without going further, there is a manifest incongruity in this combination. The condition of a subject of one particular king does not consort well with that of Spiritual Ruler of the vast body of Christians who are subjects of the Pontiff, and with whom he has to deal as such. The incongruity, the unfitness of the thing, becomes more obvious if we consider some of the details, as I propose to do.

CHAPTER XXVIII.

The Pope's Temporal Power (*Continued*).

To avoid confusion of ideas, and the mixing up of contemplated dangers with actually existing evils, I will henceforth speak as if the invasion of 1870 had not occurred, and as if the Pontiff were still *de facto* a temporal sovereign—as if, in a word, we were living now at the time of the Vatican Council, or earlier still, when Pius IX. first came to the throne; I will speak, I say, in this supposition, unless where I have occasion to allude expressly to the present state of things.

Coming now to the details to which I alluded. First: The Pope might get into differences on ecclesiastical matters with the sovereign in whose territory he resided. These differences would easily be of more moment than those which might occur between a king and one of the bishops of his kingdom, and, independently of this greater importance, if they led to a persecution of the Pope, it would be infinitely worse both for that particular kingdom and for the Church at large, than if another bishop were maltreated. This very possible contingency—possible in various degrees, and sufficiently serious in every degree—affords a strong ground for saying that the Pontiff ought not to be a subject, nor living permanently in any place not civilly belonging to him. The danger of which I am treating under this first head obviously concerns the Pope's *independence*, of which I shall say something more presently.

Secondly: The Pope has to keep up a constant epistolary

correspondence with all parts of the Church. He has to hold communication with sovereigns, Catholic and non-Catholic, and with the bishops and clergy, and the Catholic population of all countries, whatever be their political relations with the particular king whose subject he might be. Further, the Pope has to keep up a constant, or very frequent intercourse with all parts of the Church by means of persons either sent by him to various places, or summoned by him to his place of residence, or coming to him to treat of ecclesiastical causes or other affairs which cannot else be satisfactorily arranged. The place in which the Pope permanently lives is, in a true and practical sense, the capital of the Christian world. This is and has been the case with regard to Rome, not merely because the Pope is Bishop of Rome, but because he has usually resided there. During the comparatively short period when the Popes lived at Avignon, though still Bishops of Rome, and retaining the temporal dominion of Rome—for part of the time they held that of Avignon also—we may say that the capital was in a certain sense divided. Now, this epistolary and still more, this personal communication, unshackled, unrestricted, as it needs to be, accords but ill with the position of a subject. No doubt, an Italian or an English nobleman may receive occasional visits from foreigners, whose admission into the country is not objected to by the government; but if he held an office not dependent on the government, and in virtue of which, as a matter of right, he could insist on receiving men of whatever rank and from whatever country, it would be a very strange state of things, and often not a little embarrassing.

Thirdly: The business to be done in the government of the whole Church cannot be done satisfactorily without a variety of public offices and officials, tribunals and judges, commissions, &c.; in a word, without a large staff and large

accommodation for the various departments. The Pope must have chief ministers and subordinate ministers, and all the other machinery required for the exercise of an extensive, supreme, and complicated rule. He must, too, have a permanent council to advise him on the dogmatic and moral questions on which it is his duty to pronounce. The Pope, though a subject, must have surroundings of this nature; he must have a large governmental system at full work in the capital city of the kingdom, or in *a* city of the kingdom, whether it be the capital or not. This would undoubtedly be a very peculiar combination, rather an anomalous condition of affairs both for Pope and King.

I may, perhaps, be told that all this is not necessary; that it was not always so. I reply that, the Church being a great external spiritual kingdom, with all the incidents of a real kingdom, external though spiritual, and accommodated to the nature, and character, and wants, and notions of human beings who accept it as such, all this *is* necessary —not, I admit, *absolutely*, but as due in fitness and required for the well-being of the Church and the faithful. Tell an honest intelligent Pagan the belief of Catholics about the Church and her pastors, and her Chief Pastor on earth—their belief, I say, about these things, in their substance, and ask him what kind of formal provision is called for in accordance with that belief, in order to carry out supreme ecclesiastical government satisfactorily. He may laugh at our religion; but he will see clearly enough that such machinery as has been introduced is its fair and legitimate consequence. But, it was added, this was not always so. These appliances were not employed from the beginning. Assuredly they were not. The adverse circumstances of the time did not admit of them, and, as I have noted already and shall have occasion to note again, the Church had not reached her *normal* state. Again, laying aside our ideas

of congruity, we know for a fact that ecclesiastical jurisprudence has given things their present shape; that the Roman court with its officers and officials enters into the actual plan of Church government; that the Pope and the bishops have settled matters so, and to them it belongs to settle such matters. As we do not take our faith from Protestants, or infidels, or eccentric Catholics, so neither are we to take from them the form of sacred legislation and administration. There is a system long since introduced by the pastors of the Church for carrying on spiritual government, and we cannot go behind this system, we cannot question it. The system is not directly Divine, but it has been established in the exercise of a divinely derived authority. It is not essential, but it is judged, in a true sense, requisite by those whom God has appointed to rule his Church. I take the Church as I find it; I take the Roman ecclesiastical arrangements as I find them—as they are and have been for many centuries—and I say this well settled condition of things cannot be thoroughly reconciled with the Pope's position as a subject or other than Sovereign of the country where the work is to be done.

Some one will, perhaps, remark that the experiment has been tried—is still being tried. The Pope is not now civil ruler at Rome; yet the system goes on, so far as spiritual government is concerned. I reply: it goes on, no doubt; but *lamely*, without the former facilities. Then it goes on *precariously*. It may be stopped any day. Bad as the state of things is at Rome, much as iniquity has triumphed, great as have been the excesses in some particulars, there is a present element of restraint upon the Italian government. They are, in a certain imperfect sense, on their good behaviour. They undertook and executed an atrociously aggressive measure in invading Rome. They despoiled the Pope of those states to which he had the

strongest human and natural title; they thus, at the same time and by the same act, sacrilegiously deprived the Pope, and in him the Church, of a temporal prerogative, bestowed and maintained for a high spiritual end, whilst they audaciously pretended still to respect the Church and the Pope, and would have it believed that their proceedings were rather beneficial than otherwise to ecclesiastical government. They professed a desire to provide amply for the Pontiff's dignity and freedom, and to afford him all the facilities he could need for the fulfilment of his office as Head of the Church. They undertook, we may say, to show practically how well things might go on without the temporal power. Hence they could not do less than exercise a certain amount of liberality. They even offered advantages which the Pope, most justly in the circumstances, would not accept; for even if the terms had been the most favourable that could be, consistently with the privation of his temporal sovereignty, he could not have acquiesced in them or treated with the usurping power. I say that it was part of the game of the Italian government to exercise, as I have said, *a certain amount of liberality* with the Pope; to place him in a position, which they considered, or wished others to consider, satisfactory, as regards the government of the Church, whilst they robbed him of his kingdom under the flimsy pretexts of social good. Consequently, if they had even gone a great deal further in the same direction, if they had done all they could to put the Pope at his ease, and if he had availed himself of the opportunities so afforded for the fulfilment of his supreme charge, so that all went on as smoothly and as conveniently as before—yet this, as being the result of an exceptional policy, would prove nothing against the argument for the Pope's temporal power from the need he has of official appliances. Light will be

thrown on the subject by something I have to say a little later under another head.

Fourthly: The Papacy involves very considerable expenses. Even abstracting from state and pomp, and from the exercise of hospitality, otherwise so obviously fitting, that machinery of central ecclesiastical government, of which we have been just speaking, necessarily entails a large outlay. The Pope, then, stands in need of a considerable revenue. Where is it to come from? Is the Pontiff with his *Curia* to be maintained by the secular government of the country in which he lives? Such an expense would be a serious item in the budget, for the support of an authority with which that government has no more to do than any other. However, if the government were able and willing, and *perpetually* able and willing, to afford such a subsidy on a generous scale, so far well and good. But who is to ensure the perpetuity? Suppose the government did not come down so handsomely, where else is the Head of the Church to look for his support and that of his administration? Is it to the contributions of the Faithful throughout the world? This might do for a short time. But it would not answer for the Pope to be, as a rule, maintained by subscription. Contributions of this kind are by their nature uncertain, especially when coming from great distances, and not capable of being satisfactorily enforced. Even bishops and priests are supposed generally to have fixed beneficiary revenues, and, so far as they depend on offerings, the persons with whom they have to deal are those to whom they personally minister. The offerings, too, are for the most part made on occasion of particular acts of the ministry. If the Pontiff's revenue were to be derived from the payments of Catholics throughout the world, there might easily be shortcomings; and there might be, besides, obstacles thrown in the way of the

fulfilment of this duty. It would be very well there should be money often sent to the Pope from all parts of Christendom, but not so as to constitute his necessary revenue. He will always find useful objects to which to apply any amount he may receive.

Fifthly: If any office demands liberty of action, it is that of the Head of the Church. From the nature of the interests involved and the position the Pontiff holds with reference to those interests, his perfect freedom is of vital moment. It is also necessary that all the princes and people with whom he treats should believe him to be free. Otherwise, their confidence in him and their very respect for his acts will be imperilled. Now, so long as the Pope is the subject of any King, his independence is not permanently assured, and is not, in fact, complete for any given time. It is quite possible to conceive the Pope as a subject placed for a while in an apparently, and, to a certain extent, really favourable position. I suppose the government of the country lawfully established there. I suppose that government truly Catholic, just, and itself thoroughly independent, not trammelled by an anarchical party but half friendly to the sovereign, and unfriendly to the Church. I suppose the Pope a subject, but thoroughly and heartily recognised by the State as Head of the true Church of Christ; provided with a becoming residence and with other buildings amply sufficient for all official purposes; provided likewise with a competent revenue; enjoying perfect practical liberty of appointing and dismissing the men employed about his person, and also those employed in the business of the Church; with perfect practical freedom of intercourse both personal and by letter with all the world; and without any attempt directly or indirectly to control him or deter him from exercising his authority as he thinks fit. I suppose this state of things to

continue for years. Viewing the Pope so circumstanced some would, perhaps, be inclined to say: "This is as it should be. At least there is no reason to complain. The Vicar of Christ is in a position to exercise his office satisfactorily. There is no act which he can have occasion to perform, which he may not do. What more could be desired, at least as any way necessary?"

In reply to these expressions of contentment, I observe the case might be tolerable enough, if we could be sure that the supposed present condition of the Pontiff would last, and if this security were recognised generally throughout the world. But it would not be so; humanly speaking, it could not be so, and there is no Divine promise on the subject. The imagined happy state of things I have been speaking of depends on the virtue of the king and his ministers, of the king's successors and those of his ministers, and not only their virtue and religion but their correct views. Sincere Catholics and fairly good men are often carried away by zeal for certain objects or systems, which they consequently do their best to promote, and would go very far in promoting. Suppose, then, a collision between the secular government and the Pope on some of these hobbies of a king or a ministry. This, after all, by itself, is about the least of the evils to be apprehended. If, with this or without it, irreligion enter and the government come to be on bad terms with the Pope, who can tell what will be the result? There may be, especially at the beginning, a certain respect, real or pretended, for the Pope himself and for existing compacts; but even at this stage, without an open rupture, how much embarrassment, how much vexatious interference are in the power of a government towards one living within its territory! There will very soon be an end to independent action, and still more to the belief in other countries that it exists. Nay, when

harmony does subsist between the Pope and the king, when the Pope is in all good faith left free, will other governments and peoples be assured that such is the case?—to say nothing of the danger that princes or others elsewhere might fear undue influence over the Pontiff by a sovereign who was treating him well. Will the Pope himself be without anxiety regarding what may happen? will he have a thorough sense of independence? Let us look at governments such as they are, and such as they have been. I have no hesitation in saying, and I have no fear of being contradicted by any thorough and at the same time well-informed Catholic when I say, that no secular government of modern times, and, I will add, of any times, has ever long continued to be such that the Pope could be reasonably content to live under it, or the faithful throughout the world could be reasonably content to see him its subject.

I know that history informs us how, in the commencement of the Church, for no inconsiderable period, the Pontiffs were the subjects, and the persecuted subjects of the Pagan Emperors, and how later they were subjects of Christian Emperors, not without occasional persecution, generally of a somewhat different kind from that which had preceded; and how those Popes did great things; and how the Church of those times made glorious advances and achieved glorious victories. But, in the first place, no one will, I presume, pretend that up to the fourth century the Church was in its normal state—the state it was intended to reach. Next, as regards the interval between that time and the eighth century, I maintain that even then the Holy See was not thoroughly constituted in its proper position, but only on the way to it. Up to the time of Constantine, the Pope had not *begun* to hold before the world that externally high place due to his office. The Christian religion was habitually till then proscribed throughout the Roman Empire. The

Church was till then the Church of the catacombs. Very soon afterwards the Popes, though subjects, came to possess considerable outward dignity and power, extending itself to the exercise of civil dominion. The state of things was one of transition both for the Popes and for Rome, and both often suffered much, till Rome, abandoned by the Emperors and lost to them, came into the hands of the Pontiffs with a territory but little differing in extent from that held by Pius IX. at the time of his accession. I repeat that neither the Church nor its Head were in a normal state up to the fourth century; the same may be said in a minor degree, and especially with regard to the Pope, till the eighth century. The latter interval was one of perturbation and struggle, during which the Empire of the West languished and ultimately was extinguished; during which, too, the freshness of Christianity as an acknowledged religion contributed to the reverence in which the Pontiff was held, in conjunction with the great personal qualities of several Popes, and their earnest efforts to promote the temporal welfare of the Roman people on the one hand, and to support the authority of the Emperors on the other, not without much suffering both from these latter and from barbarian and semi-barbarian Princes. The providence of God entered also, in a manner proportioned to the need, to sustain both the Church and its Head. That Providence was preparing the way for the temporal dominion of the Popes, which once acquired, has been maintained by the same Providence, with but little interruption, for eleven centuries.

Some would say, and some, it may be remembered, *did* say, about the time of the spoliation of 1870, that though the Pope ought to be independent he need not have any notable extent of territorry. The city of Rome alone, or with a narrow border around the city, would suffice. Let

the Pontiff be supreme temporal ruler within these limits. He will then be the subject of no King, and can have about him all the appliances he needs for his government of the Church. There are, I conceive, obvious reasons to prove the insufficiency of such a provision.

First: The sovereignty of a miniature state, such as that suggested, is both too exceptional and too contemptible to be consistent with the Pontiff's spiritual position. The boundaries apparently signified by the terms used would not leave room to the Pope for a fairly long drive within his dominions, nor to him or the wealthier amongst his subjects for villas, nor to his people for the growth of crops and the feeding of cattle for the support of the inhabitants of the city. The very markets would have to be supplied from some other kingdom, and so on. Let it not be said that I am raising up a fictitious difficulty for the pleasure of overturning it, namely, imagining a restriction of territory that is not dreamed of. No such thing. We all know there are those who would leave the Pope a nominal sovereignty, and give him less ground than I have specified in my hypothesis, which is in truth liberal compared with what has been proposed, even by parties who are more generous than the Piedmontese government, which has seriously talked of independence and sovereignty within almost microscopic limits. But supposing the Pope had to himself a small province, such a realm would not be befitting his dignity. If the Pope is to be a sovereign, he ought to have a real kingdom, small it may be, but large enough to hold its place among independent states.

Secondly: In order that the Pontiff should be satisfactorily placed under this respect of territory, in order that he should be congruously independent, his capital must not be hemmed in by foreign powers; he must not have strangers settled at his gates, as would, morally

speaking, be the case if his territory were very much restricted. He must be free from the danger of sudden petty inroads and vexations. I use these terms, because an invasion on a large scale by an unprincipled government availing itself of circumstances favourable for the purpose cannot be efficaciously guarded against by a weak power. But such events are fortunately rare. The Pope needs a small army for small emergencies; and his territory ought besides to be such as to afford scope for the action of a larger army when required, whether that army be raised by the Pope or introduced at his invitation by some ally. It is not necessary that the Head of the Church should be the ruler of a mighty nation, nor that he should ordinarily keep up a large military force. He, above all other princes, ought to do his best to abstain from war, and never to engage in it except where unavoidable. This peaceful attitude on his part, joined with the reverence entertained for his sacred character and the interest which Catholic sovereigns and peoples, and even Protestant sovereigns of populations largely Catholic, take in his security and independence will generally exempt his territory from invasion. Many a prince who would harass the Pope, if he could do so quietly at home, would hesitate long about waging war against him, were it only for the want of a sufficiently plausible *casus belli.*

Thirdly: The Pope's temporal dominions ought to be extensive enough to supply a competent revenue for his expenses without any excess of taxation. These expenses must be considerable, though, taking all things into account, they have been in fact moderate, and the burdens of the people easy to bear—far lighter than those placed on them at this moment by the Italian government. In order that the Pope may be congruously supported in his dignity, and may be able to defray the charge of his civil and

ecclesiastical departments, he requires a revenue that cannot be derived from a very small state. As I have already said, the habitual dimensions of the Papal territory have varied comparatively little since the eighth century; so that it would seem their measure was pretty nearly determined by the same special Providence to which the sovereignty itself is to be attributed.

CHAPTER XXIX.

The Pope's Temporal Power (*continued*).

The Pope's Temporal Power cannot be treated of completely—even in a compendious way and on a small scale—without considering how it bears on the interests and rights of the population of the Ecclesiastical States. In what I am about to say on this branch of the subject, I shall contine to speak as if Pius IX. were still *de facto* a temporal sovereign, and circumstanced as he was at the beginning of his Pontificate.

The Pope's civil territory comprised from its commencement the city of Rome with some provinces, which have long been called the Papal States, or States of the Church, and have varied but little in extent through so many centuries. The inhabitants of these States I will, for brevity, call the Roman people; and I will begin by a short statement of their condition—taking as present the time at which, as I have just said, I suppose myself to write. They are, in general, well off as regards the necessaries of life. They have enough to eat and drink. They are sufficiently clad and provided with dwelling accommodation. There is but little distress, and, I may say, no misery—certainly much less want than is to be found in many countries which are set up as models of prosperity. The taxation is very moderate. There are abundant means of education for the different grades of society; nay more, the children of poor parents have opportunities of high education without expense, and, at the same time, without discredit, such as are certainly not to be found in these

countries of ours, nor probably in many others. There is every facility for literary pursuits, which flourish there extensively. The fine arts, too, are largely cultivated, and with great success. Commercial and industrial enterprise is also encouraged and is progressing. It does exist, and has always existed, in a degree sufficient for a fair state of well-being of the people at every given time, and could exist, and have existed, in a higher degree, if individuals had wished to carry it further; so that the government is not, and was not, the cause of a great deal more not being done.

Now, as to the sufficiency of which I have spoken, my idea is this. A certain amount of industry and of commerce is necessary for the comfortable condition of a people in the various grades of society to be found in a civilized nation, and for the maintenance and promotion of civilization. A people may be very comfortably circumstanced and very fully civilized, with an amount of industry and of commerce that is small compared with what might be attained, considering the resources and opportunities there are. It is desirable that this amount should be increased, and obstacles to its increase should not be created; on the contrary, those that arise ought to be removed. Yet, the advantages of material progress, in the sense in which it is understood by those who are the most ardent in calling for it, are in my mind much exaggerated. My views on the subject are pretty much as follows:—

1. The immediate object and end of the promotion of industry and commerce is the temporal happiness of the population, subordinate, of course, to their spiritual interests, of which, however, I have no occasion to speak just now.

2. The credit, respectability, and glory of *a nation* enter into the sum of its happiness, but do not form the whole, or even a very large proportion, of that happiness. For

the happiness of a nation is the happiness of its inhabitants, of the individual human beings who make up the people. Now, the influence of any kind of collective national reputation on individuals and their contentment is comparatively small. Their enjoyment is mainly derived from those things which more closely touch themselves, with reference to personal wants and personal interests. A man who is oppressed by poverty will receive but middling consolation from his country's fame. I am not speaking of *personal* honour or celebrity in connection with a public cause; for this is an individual advantage. After all, few members of any State have each a large share in its renown.

3. The wealth of a nation contributes to its happiness chiefly by diffusion through the whole body of its inhabitants. This is obvious, because *the nation*, of whose happiness there is question, consists in, and is identified with, the whole body of the inhabitants. They *are* the nation. I do not pretend that it is either possible or desirable that all the individuals of a State should be equally rich. There may be a considerable disparity. There may be many men much richer than the bulk of their neighbours; but if a large majority be excluded from all appreciable share in the wealth of the country, or if a large minority be kept in destitution, the country cannot be reputed happy on the ground of its wealth. The first step towards wealth, as a source of national happiness, is widespread, and even universal, sufficiency. I do not say this is always necessarily the first step in point of time, but it is the first in point of eventual order; it is the most fundamental, and the want of it is not compensated by the existence of large fortunes in the hands of comparatively few. The next step is a very extensive enjoyment of moderate comforts beyond what I have called sufficiency. There are other steps

which it would be tedious and difficult to specify, but which belong to the completeness of that diffusion of which I have spoken. Of course, the distribution of wealth cannot be of a mathematical character, like scales of fees and salaries. There will always, too, be a considerable number of decidedly poor persons. This is, we may say, the order of Providence. There are many causes of poverty, positive and negative, culpable and inculpable, and these will operate everywhere pretty largely. There will also be most legitimate cases of exceptionally large fortunes amassed by individuals, and continued in families. It is quite right that great gains should be attainable, and should, in prospect, afford incentives to active exertion, provided always, as far as the moral and spiritual interests of the persons are concerned, that the means employed be thoroughly lawful, and the intention pure, and the snares which beset the pursuit of wealth be guarded against. To return to the maxim with which I have started in this paragraph, namely, that wealth contributes to a nation's happiness mainly by its diffusion, I will develop the maxim briefly in another form. If the wealth acquired by a greater or less number of citizens of any State does not beneficially affect the great mass of the inhabitants, it cannot be said to contribute very considerably to the happiness of the State. This view is applicable not only to a whole kingdom but to a city or a province. The progress of industry or commerce in a province or a city, if largely beneficial to the people of that province or city, will contribute largely to its happiness. We must observe, however, that the happiness of the city or province is *not* that of the kingdom, unless in so much as the rest of the kingdom participates of the advantage. It is not quite enough that the rest of the inhabitants have *the honour* of belonging to the same country.

4. As a matter of fact, great commercial and industrial enterprise, leading to great pecuniary gains, is found united, in some countries, with a large amount of squalid poverty on the part of the inhabitants, and the gains are not diffused, at all proportionably to their greatness, through the population. Further, a very large number of those who contribute by their labour to what are considered glorious results lead a hard and painful life, and often a life which seems scarcely fit for human beings. This last circumstance is specially observable in those who are engaged in working mines. There are various occupations, too, prejudicial to health. The whole of what I have said in this paragraph is verified in the British dominions.

5. A nation which is backward in commerce and industry may be happier—that is, may have a happier population—than another which is much more advanced in these respects. Perhaps the former would be happier still with greater material progress. I do not wish to depreciate the advantages of this progress. It ought, no doubt, to be encouraged; but it is not *every thing*. Let those who are interested—prince and people—make every reasonable effort to push forward all kinds of improvements; but let not established order and substantial contentment be disturbed and destroyed under the pretext of bettering the condition of the country, with the absolute certainty of much mischief and misery, and no security of eventually obtaining the proposed object. The fact is that the Roman people are happy, leading a peaceful life, with almost universal sufficiency of means of support, widely-spread comfort, and no oppression. They would not have found out any ground for unhappiness had it not been suggested to them by strangers. I do not mean, of course, that there have never been any murmurs against the government, or that every one has been always perfectly satisfied with

everything that was done. Nor do I mean that the Papal government never made any mistake. But, on the whole, and allowing for human infirmities and shortcomings, I say that the Papal States are a substantially happy country, and much happier than many others which are unfavourably contrasted with it by writers and speakers. A variety of motives may be assigned for false judgments on this subject. Hatred of the Catholic religion naturally enough leads to condemnation of the Pope and whatever he does. This hatred exists largely in Christian sects and in the multitude of infidels scattered over the world. Then, among Catholics—even otherwise apparently attached to their religion—besides their unconscious adoption of false maxims propounded by the enemies of our faith, there is a certain jealousy of the interference of the Church or Churchmen in secular matters; a notion, too, that ecclesiastics do not understand, much less appreciate, the natural interests of society; that the affairs of this world belong of right to themselves, and that priests and bishops should be confined to religious doctrines, and preaching, and sacraments. Hence, real or supposed abuses or deficiencies, which would be overlooked in lay princes, are unmercifully and unreasonably criticised and condemned in Popes. Another motive is found in what may, without exaggeration, be called *a mania* for material progress. I say *a mania*, not a mere desire for it, nor an earnest inculcation of its advantages—for all this is reasonable—but an insatiable longing for it, joined with a belief, either express or tacit, that all earthly goods depend on it, joined likewise, at times, with a certain disregard of possibilities, and a forgetfulness of the old proverb that "Rome was not built in a day."

Having stated what I call *the present* condition of the Roman people—their condition under the Pope's sway now

interrupted—I come to the question of their political rights. A prevalent doctrine in our days is, that every nation has a right to insist on being governed as it pleases and by whom it pleases. This is, perhaps, rather a crude way of putting it, but there is no substantial exaggeration. Of course, the opinion is often obscurely expressed, and more or less masked, and is, besides, really modified by many who would not adopt fully this latitudinarianism. They would, however, consider it very moderate to claim for every country the right to a constitutional government framed on a thoroughly liberal plan; and, if this could not be otherwise obtained, they would authorise the throwing off of allegiance to the existing sovereign. What, then, are we to say of the Roman people? They have the same political prerogatives as any other. The Pope's civil authority over them is merely human—it is no more Divine than that of any other temporal prince. They may, then, get rid of him if they do not find his sway satisfy them. They may give themselves up to the King of Italy, and do their part in establishing that glorious Italian unity which he has undertaken to effect. This is still more obvious if they cannot obtain a free constitution from the Pontiff. My answer to the difficulty just proposed is as follows:—

1. The principle—if principle it can be called—that a people fairly governed by an otherwise legitimate sovereign are at liberty to dethrone him because they prefer another prince or another form of government, is quite inadmissible. I have no objection to allowing that the people are the original immediate source of civil authority. I have already affirmed this doctrine. But once they permanently confer this authority on one or more persons, they cannot arbitrarily take it back. They have entered into a lasting contract which involves obligations on both sides, and cannot be rescinded at pleasure. Besides the manifest

intrinsic unlawfulness of casting off allegiance through a mere desire of change, though it were done but once, the admission of the doctrine would involve a continual state of uncertainty and instability, to prevent which governments are instituted. I may be told that this, at most, would only prove the inexpediency of the doctrine, not its unsoundness. I answer that a moral doctrine which is essentially inexpedient is necessarily false. The natural law prohibits whatever is of such a character that its lawfulness would be a radical evil. There are things severely forbidden by natural law, not so much on account of the serious turpitude of each act considered in itself as on account of the mischief which would arise from their not being so forbidden. This, for instance, is the reason assigned by Cardinal de Lugo and others for there being an absolute *materia gravis* in theft independently of the *relative* grievousness of the injury done to the individual whose property is stolen; because, if a sum so considerable in itself as to be notably attractive could be taken without mortal sin, a great mischief would arise to society.

2. What I have said of the unlawfulness of dethroning a prince, because some other person or some other form of government is preferred, holds also for the case of discontent with the present ruler on grounds which may seem plausible, and are even, to a certain extent, real. That is to say, a people which is substantially well and fairly governed cannot revolt legitimately for the sake of what would really be an improved state of things. The notion that every people has a right at every given time to improve its condition by a change of sovereigns or form of government is monstrous. Even supposing the proposed improvement would be real, if once effected, the attempt is unlawful, because revolution is assuredly forbidden, at the least, except in a case of

necessity, and the case made is not such. The evils attending resistance to established authority are too great to be incurred for the sake of mere progress. Then, we must take into account the uncertainty of attaining that amelioration which is looked forward to, the uncertainty of attaining its continuance if attained, the errors which may be easily committed in judging of the reality of the improvement. For, although I have supposed that in a particular case the ultimate change would be, in fact, for the better, if the principle of revolution is so far admitted, its application cannot be confined to such a supposition. For the principle would come in practice to this, that wherever a change is *judged likely* to be beneficial it may be made. Now, those who desire a change will always represent as beneficial, and will with some sort of specious reasoning work on the minds of the people, and turn to account that spirit of uneasiness and that love of novelty which are part of our corrupt nature. In one word, the principle of the lawfulness of revolution for the mere sake of rendering better a condition of things which is already good and happy in a tolerable degree, is a principle of instability, than which nothing can be worse. The erroneous character of the views I am condemning ought to be brought home to us by considering the sort of men who start undertakings of the kind referred to. We shall certainly find on examination that they are, for the most part, bad men—men of little or no religion and of corrupt morals—men who it is difficult to conceive can be seriously aiming at a good object, though, of course, they take care to give themselves credit for high public virtue, and exaggerate the excellence of the result they propose for attainment. I am speaking at present of revolutions directed to mere advancement, not of those which seek to throw off a manifest and grievous oppression, though even

in them bad men often take the lead, but not so exclusively; and even such revolutions are commonly criminal, at least in their working. Indeed, whatever may be said of the abstract lawfulness of revolution in certain cases, it is hard to point out instances of revolutions confined to legitimate objects and conducted on legitimate principles. The anarchical element generally enters largely into such undertakings.

3. There is one political privilege which is, in our times, looked on as specially necessary, and such that every people has a right to insist on its possession. This is *a free constitution*. The question, therefore, comes before us, whether a nation is entitled to go to extreme lengths in demanding a constitution, so as even to cast off allegiance to its otherwise legitimate sovereign because he will not yield to its wishes? Of course, a people may lawfully make the demand and persevere in urging it with moderation; but can they go so far as revolt? I say they cannot, if they are in other respects fairly governed. Certainly, a free constitution is not in itself necessary for the happiness of a people. It is not more necessary now than it was in former ages. The mere fact of such things being the fashion in our times does not create a title which can be legitimately enforced by arms. It does not enter into the original contract with the sovereign, who, on the other hand, is fulfilling his part. He might do better by granting what is asked, but he cannot be dethroned for refusing. This would be true, even if constitutions were always a certain and unmixed good. But such is not the case.

A constitution well framed and firmly established may be a great political benefit, though, indeed, seldom so great in practice as in theory. Our own British Constitution, which is the most ancient and the most genuine thing of the kind, the growth of ages, the result of long experience, well

adapted to the temper of the *English* people, and at least tolerably acceptable to the rest of the Empire—the British Constitution, I say, is not so thorough a guarantee against oppression on the part of the State as its written description would lead a reader to judge. There are, no doubt, safeguards for the liberty of the subject; but they are far from being so complete or absolute as never to be set aside. But I have no desire to quarrel with our Constitution. No matter what be its excellence, we cannot hence infer that blessings similar to those which it confers are to be expected from attempts to establish the same system elsewhere. It is not every people that is fit for a Constitution such as ours. In saying this I do not mean to depreciate other nations. They may be as good as we are or better; but they may still not be, so to speak, made for a *British Constitution*, and yet it is a *British Constitution* they are to get; for ours is the model. They may not be made for any constitution of the same character. Then, to *have* a constitution and to *build up* one are two very different things. Ours built itself up by degrees, with occasional shocks and struggles, no doubt, but still it was in the main a work of time. It was not made to order. We did not set about playing at Parliament like some of our neighbours.

The starting of a constitution is a perilous enterprise, for many reasons, and very specially for this reason, that the party most active in *getting up* a constitution is usually an *ultra* party, aiming at a revolutionary liberty which is the same as licentiousness. This party, both before the assembly of the first parliament and in that parliament, which has on its hands the finishing of the constitution, will strive to work out its own purposes, and will keep the country in a state of confusion. It may be a long time before things settle down and the new government becomes

consolidated, if it ever becomes consolidated, and is not, on the contrary, overturned in the process.

4. There is a peculiar ground on which the Roman people have, if possible, less right than others to insist on a constitution of the same character as that proposed elsewhere. The Pope's temporal sovereignty is annexed to his Spiritual Primacy, annexed from the commencement of the former. The Pope is first Bishop and then King; he is King because he is Bishop of Rome. This has been going on for eleven centuries. The Pope's civil authority, though otherwise of the same nature as that of any other prince, is, by its origin, and by very long custom, and thorough prescription, determined to be of a character consistent with his position as Head of the Church. Now, as Head of the Church, the Pope must be independent of any control which might interfere even indirectly with the freedom of his spiritual government. It will be well to look a little more closely into this matter, so as to avoid mistakes one way or the other.

First of all, then, the Pope could not safely put into the hands of the people or their representatives any power over ecclesiastical affairs. These belong to him as Pontiff, and not as temporal sovereign; and it is incumbent on him to manage them, partly in person, partly through an ecclesiastical organization distinct from his secular government. Secondly, there does not seem, on the other hand, to be any essential obstacle to constitutional government as regards the civil administration of Rome and the Papal States. Without a constitution, the Pope's absolute government ought to be carried on in the same way as the absolute government of any secular prince ought to be carried on. The Pope's civil relations to his people are exactly the same as those of any other temporal sovereign. Of course, he is emphatically bound to govern justly, and

even religiously, but not more justly nor more religiously than any other monarch. If we may so speak, he is *more bound*, but not *bound to more*; because every king is under the obligation of doing what is morally his best to conduct his administration according, and quite according, to justice and religion. The temporal and spiritual interests of the Roman people are exactly the same as they would be under a lay ruler, if he were there instead of the Pope. I am speaking of what *ought to be* whether it *would be* or not. It is needless to say that no Christian can legitimately claim for any nation a sinfully lax rule. Well, then, if the Pope, as an absolute sovereign, should govern just the same way as a perfectly right-minded absolute lay sovereign, what is to prevent his giving a free constitution, so far as civil government is concerned, if a lay sovereign can give it? He is not bound, but he *may* act thus. There is no essential obstacle, but there are difficulties, as we shall see. For thirdly, although a constitution might answer at Rome with regard to internal affairs, there is a special difficulty concerning foreign relations. It is a matter of vital moment that the Pope should, as far as possible, be always at peace with all other nations. He should never be placed in a position to be forced by his own ministers to undertake a war against his will. He should never be liable to any restriction in his intercourse with princes or peoples. Now, a thoroughly complete constitution would place the Pontiff in this position. The Roman Constitution would, therefore, require to be of a more limited character than what might be eligible in another country. Fourthly, it is not very easy to construct a constitution so as that it may be effectually kept within certain prescribed limits. Once the power of the sovereign is largely shared by a representative body, to which his ministers are responsible, it is hard to prevent encroachments on the royal prerogative. If a

nominally restricted parliament set its heart on something that is not within its legal competence, there are appliances available for pursuing the desired object—among the rest, that very obvious one of stopping the supplies, as the imposition of taxes is a leading parliamentary privilege. Suppose a Roman parliament thought fit to trench on ecclesiastical ground, or to interrupt friendly relations with another State, or to effect some serious change in the representative system itself, what trouble might they not give the Pope? Add to all this the fact—that, as I said before, often happens in such cases—those who are pressing most for a Roman Constitution are men well enough inclined to go further than the Pontiff could in reason allow. Still, I am prepared to admit that some steps might be taken towards a constitution in the Papal States. The present Pope was taking steps, and had actually established a Parliament, when he was stopped by revolutionary violence, his Prime Minister assassinated, and himself soon after obliged to fly from Rome. These are certainly sufficient motives for waiting a while.

5. So far, we have not found any very decisive influence of the necessity of the Pope's Temporal Power on the political rights of the Roman people. For their condition is such, temporally and politically, that if their sovereign were not Pope they would not, on sound principles, be entitled to insist, by means of a revolution, on a change of government. Further, even supposing for the sake of argument, that in the case of a lay sovereign they would have a right so to insist, there is a reason why they should not have the same right as against the Pope, and that reason is not taken from the necessity of the Pope's Temporal Power, but from the original and long established relation between the Roman Episcopate and the civil sovereignty of the Pontiff.

The Pope himself is a trustee for the Catholic Church, in the administration of his temporal sovereignty, which was instituted and introduced for the benefit of the Church. The same idea of trustee-ship may not improperly be extended to the Roman people. They occupy those States as subjects of the Pope, and maintain him as their king, for the benefit of the whole Church. Those States are the patrimony of the whole Church. There cannot be States without a government and a people. The Pontiff governs, the inhabitants of the States are the people. We may add that if they perform a duty they enjoy a privilege; they possess as their capital the metropolis of the Christian world. We may add, too, that, if in the Papal States there is not that blazoning of constitutional liberty, so often more apparent than real, that distinguishes some other countries, there is sufficient substantial freedom and more justice in the political administration than can be easily found elsewhere. The Pope, as I have said, is, as a Temporal Sovereign, but a trustee for the Church. He holds his States, not in his own name, but in the name of that widely spread Catholic community of which he is the Head. He has not the power to resign those States into other hands. Hence, that famous, and, I will say, glorious, *Non possumus*, sneered at occasionally by his enemies—the enemies, very many of them, of Christ and of God, men who care as little for the Almighty as for his representative. The Pontiff has not power to dispose of what is really not his own. Of course, if the case could arise, and did arise, of a cession being beneficial to the Church, the Pope, as supreme administrator of her temporalities, could yield up his dominions, but not otherwise. He knows well it would not be for her advantage, and, therefore, he cannot do so. He firmly trusts, and so ought every earnest Catholic to trust, that the present storm will pass, and the States will be

restored to himself or to another successor of St. Peter. He knows that it would be a far less evil that he alone, or even three or four other Popes after him, should lose their lives by violence than that their Temporal Power should be finally lost to the Church; and he has, and we may hope they would have, the courage to face death for the sake of duty.

The last invasion of Rome and of what the Pope still retained of his States, as well as the previous invasion of the other parts which Pius the Ninth held at the commencement of his reign, was a manifest violation of all right. The substance, and the mode, and the results all combine to make up a glaring case of injustice and wickedness, such as cannot be sincerely defended by any honest man, unless he chance to be excused by extreme ignorance. Abundance of attention has been called to these proceedings, and they do not come within the range of my subject. I will just say a word about the Roman *Plébiscite*. What is its value? I answer, none whatever. Had it been honestly taken, and really, and freely, and universally given, it would have been unlawful and invalid, because the people had no right to transfer their civil allegiance from the Pope. But speaking of the fact as it happened, there was neither honesty, nor freedom, nor universality. In very plain terms, we may say the whole proceeding was a ludicrous and disgraceful imposition.

THE END.

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